

ing thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

INCREASE IN WIDOWS BENEFITS AND EFFECTIVE DATE OF INCREASE

For 1975 increase in widows benefits under this section and section 771 of this title, and effective date of such increase, see Pub. L. 94-170, Dec. 23, 1975, 89 Stat. 1022, set out as a note under section 771 of this title.

§ 773. Application for benefits

Application for the benefits of sections 771 to 775 of this title shall be made in such manner and form as the Director of the Office of Personnel Management shall prescribe.

(Aug. 19, 1950, ch. 761, § 3, 64 Stat. 466; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783.)

TRANSFER OF FUNCTIONS

“Director of the Office of Personnel Management” substituted in text for “Civil Service Commission” pursuant to Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred all functions vested by statute in Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

§ 774. Rules and regulations

The Director of the Office of Personnel Management shall perform, or cause to be performed, such acts, and shall make such rules and regulations, as may be necessary or proper to carry out the provisions of sections 771 to 775 of this title.

(Aug. 19, 1950, ch. 761, § 4, 64 Stat. 466; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783.)

TRANSFER OF FUNCTIONS

“Director of the Office of Personnel Management” substituted in text for “Civil Service Commission” pursuant to Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred all functions vested by statute in Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

§ 775. Payments nonassignable and exempt from process

No payment under sections 771 to 775 of this title shall be assignable, either in law or in equity, or be subject to execution, levy, lien, attachment, garnishment, or other legal process.

(Aug. 19, 1950, ch. 761, § 5, 64 Stat. 466.)

§ 776. Payment out of Civil Service Retirement and Disability Fund

Annuities authorized by sections 771 to 775 of this title may, on and after December 23, 2011, be

paid out of the Civil Service Retirement and Disability Fund.

(Pub. L. 112-74, div. C, title V, Dec. 23, 2011, 125 Stat. 919.)

CODIFICATION

Section is from the appropriation act cited as the credit to this section.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

- Pub. L. 111-117, div. C, title V, Dec. 16, 2009, 123 Stat. 3196.
- Pub. L. 111-8, div. D, title V, Mar. 11, 2009, 123 Stat. 670.
- Pub. L. 110-161, div. D, title V, Dec. 26, 2007, 121 Stat. 2009.
- Pub. L. 109-115, div. A, title VI, Nov. 30, 2005, 119 Stat. 2489.
- Pub. L. 108-447, div. H, title IV, Dec. 8, 2004, 118 Stat. 3263.
- Pub. L. 108-199, div. F, title IV, Jan. 23, 2004, 118 Stat. 339.
- Pub. L. 108-7, div. J, title IV, Feb. 20, 2003, 117 Stat. 459.
- Pub. L. 107-67, title IV, Nov. 12, 2001, 115 Stat. 542.
- Pub. L. 106-554, § 1(a)(3) [title IV], Dec. 21, 2000, 114 Stat. 2763, 2763A-150.
- Pub. L. 106-58, title IV, Sept. 29, 1999, 113 Stat. 463.
- Pub. L. 105-277, div. A, § 101(h) [title IV], Oct. 21, 1998, 105 Stat. 2681-480, 2681-509.
- Pub. L. 105-61, title IV, Oct. 10, 1997, 111 Stat. 1303.
- Pub. L. 104-208, div. A, title I, § 101(f) [title IV], Sept. 30, 1996, 110 Stat. 3009-314, 3009-344.
- Pub. L. 104-52, title IV, Nov. 19, 1995, 109 Stat. 489.
- Pub. L. 103-329, title IV, Sept. 30, 1994, 108 Stat. 2407.
- Pub. L. 103-123, title IV, Oct. 28, 1993, 107 Stat. 1249.
- Pub. L. 102-393, title IV, Oct. 6, 1992, 106 Stat. 1756.
- Pub. L. 102-141, title IV, Oct. 28, 1991, 105 Stat. 860.
- Pub. L. 101-509, title IV, Nov. 5, 1990, 104 Stat. 1421.
- Pub. L. 101-136, title IV, Nov. 3, 1989, 103 Stat. 810.
- Pub. L. 100-440, title IV, Sept. 22, 1988, 102 Stat. 1745.
- Pub. L. 100-202, § 101(m) [title IV], Dec. 22, 1987, 101 Stat. 1329-390, 1329-413.
- Pub. L. 99-500, § 101(m) [title IV], Oct. 18, 1986, 100 Stat. 1783-308, 1783-322, and Pub. L. 99-591, § 101(m) [title IV], Oct. 30, 1986, 100 Stat. 3341-308, 3341-322.
- Pub. L. 99-190, title I, § 101(h) [H.R. 3036, title IV], Dec. 19, 1985, 99 Stat. 1291.
- Pub. L. 98-473, title I, § 101(j) [H.R. 5798, title IV], Oct. 12, 1984, 98 Stat. 1963.
- Pub. L. 98-151, § 101(f) [H.R. 4139, title IV], Nov. 14, 1983, 97 Stat. 973.
- Pub. L. 97-377, title I, § 101(a) [incorporating H.R. 4121, title IV, for FY 1982], Dec. 21, 1982, 96 Stat. 1830.
- Pub. L. 97-92, § 101(a) [H.R. 4121, title IV], Dec. 15, 1981, 95 Stat. 1183.
- Pub. L. 96-536, § 101(a) [incorporating Pub. L. 96-74, title IV], Dec. 16, 1980, 94 Stat. 3166.
- Pub. L. 96-74, title IV, Sept. 29, 1979, 93 Stat. 571.
- Pub. L. 95-429, title IV, Oct. 10, 1978, 92 Stat. 1007.
- Pub. L. 95-81, title IV, July 31, 1977, 91 Stat. 347.
- Pub. L. 94-363, title IV, July 14, 1976, 90 Stat. 969.
- Pub. L. 94-91, title IV, Aug. 9, 1975, 89 Stat. 449.
- Pub. L. 93-381, title IV, Aug. 21, 1974, 88 Stat. 620.
- Pub. L. 93-143, title IV, Oct. 30, 1973, 87 Stat. 517.

CHAPTER 17—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBCHAPTER I—GENERAL PROVISIONS

Sec.

851 to 852b. Repealed or Omitted.

853. Power to settle claims.

853a to 853o. Repealed.

853o-1. Credit of service as deck officer or junior engineer and certain other active service for retirement and retirement pay.

- Sec.
853p to 854. Repealed.
- 854a. Service credit as deck officer or junior engineer for promotion purposes.
- 854a-1. Temporary appointment or advancement of commissioned officers in time of war or national emergency.
- 854a-2. Pay and allowances; date of acceptance of promotion.
- 854b to 857-12. Repealed.
- 857-13. National Advisory Committee on Oceans and Atmosphere.
- 857-14. Membership.
- 857-15. Reports.
- 857-16. Compensation and travel expenses.
- 857-17. Interagency cooperation and assistance.
- 857-18. Authorization of appropriations.
- 857-19. Biennial report.
- 857-20. Coordination.
- 857a to 872. Repealed or Omitted.
873. Extra compensation for instrument observers, recorders and other Federal employees for oceanographic, seismographic and magnetic observations.
874. Repealed.
875. Powers of officers as notaries.
876. Fees for notarial acts; prima facie evidence of authority.
877. Appropriations; advances from.
878. Appropriations; purchases from.
- 878a. Contract for development of a major program; costs; Major Program Annual Report for satellite development program.
- 878b. Safety and health regulations for scientific and occupational diving.

SUBCHAPTER II—SURVEYS

- 881 to 883. Repealed.
- 883a. Surveys and other activities.
- 883b. Dissemination of data; further activities.
- 883c. Geomagnetic data; collection, correlation, and dissemination.
- 883d. Improvement of methods, instruments, and equipments; investigations and research.
- 883e. Agreements for surveys and investigations; contribution of costs incurred by National Oceanic and Atmospheric Administration.
- 883f. Contracts with qualified organizations.
- 883g. Repealed.
- 883h. Employment of public vessels.
- 883i. Authorization of appropriations.
- 883j. Ocean satellite data.
- 883k. Acquisition of land for facilities.
- 883l. Contracts for surveying and mapping services.
884. Power to use books, maps, etc., and to employ persons.
- 885 to 890. Repealed or Omitted.

SUBCHAPTER III—NOAA FLEET MODERNIZATION

891. Definitions.
- 891a. Fleet replacement and modernization program.
- 891b. Fleet replacement and modernization Plan.
- 891c. Design of NOAA vessels.
- 891d. Contract authority.
- 891e. Restriction with respect to certain shipyard subsidies.
- 891e-1. Shipyards located outside of the United States.
- 891f. Use of vessels.
- 891g. Interoperability.
- 891h. Authorization of appropriations.

SUBCHAPTER IV—NOAA HYDROGRAPHIC SERVICES

892. Definitions.
- 892a. Functions of the Administrator.
- 892b. Quality assurance program.
- 892c. Hydrographic Services Review Panel.

- Sec.
892d. Authorization of appropriations.

SUBCHAPTER V—RESEARCH, DEVELOPMENT, EDUCATION, AND INNOVATION

893. Ocean and atmospheric research and development program.
- 893a. NOAA ocean and atmospheric science education programs.
- 893b. NOAA's contribution to innovation.
- 893c. Workforce study.

SUBCHAPTER I—GENERAL PROVISIONS

§ 851. Omitted

CODIFICATION

Section, Pub. L. 105-277, div. A, §101(b) [title II], Oct. 21, 1998, 105 Stat. 2681-50, 2681-83, which authorized in the National Oceanic and Atmospheric Administration 250 commissioned officers on the active list as of September 30, 1999, was from title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, and was not repeated in subsequent appropriation acts.

Similar provisions were contained in the following prior appropriation acts:

- Pub. L. 105-119, title II, Nov. 26, 1997, 111 Stat. 2477.
- Pub. L. 104-208, div. A, title I, §101(a) [title II], Sept. 30, 1996, 110 Stat. 3009, 3009-37.
- Pub. L. 104-134, title I, §101[(a)] [title II], Apr. 26, 1996, 110 Stat. 1321, 1321-27; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.
- Pub. L. 103-317, title II, Aug. 26, 1994, 108 Stat. 1741.
- Pub. L. 103-121, title II, Oct. 27, 1993, 107 Stat. 1170.
- Pub. L. 102-395, title II, Oct. 6, 1992, 106 Stat. 1849.
- Pub. L. 102-140, title II, Oct. 28, 1991, 105 Stat. 799.
- Pub. L. 101-515, title I, Nov. 5, 1990, 104 Stat. 2104.
- Pub. L. 101-162, title I, Nov. 21, 1989, 103 Stat. 992.
- Pub. L. 100-459, title I, Oct. 1, 1988, 102 Stat. 2190.
- Pub. L. 100-202, §101(a) [title I], Dec. 22, 1987, 101 Stat. 1329, 1329-4.
- Pub. L. 99-500, §101(b) [title I], Oct. 18, 1986, 100 Stat. 1783-39, 1783-42, and Pub. L. 99-591, §101(b) [title I], Oct. 30, 1986, 100 Stat. 3341-39, 3341-42.
- Pub. L. 99-180, title I, Dec. 13, 1985, 99 Stat. 1138.
- Pub. L. 98-411, title I, Aug. 30, 1984, 98 Stat. 1548.
- Pub. L. 98-166, title I, §101, Nov. 28, 1983, 97 Stat. 1074.
- Pub. L. 97-377, title I, §101(d), Dec. 21, 1982, 96 Stat. 1867, 1869.
- Pub. L. 97-92, §101(h) [incorporating H.R. 7584, title III, for FY 1981], Dec. 15, 1981, 95 Stat. 1190.
- Pub. L. 96-536, §101o, [H.R. 7584, title III], Dec. 16, 1980, 94 Stat. 3169.
- Pub. L. 96-68, title III, Sept. 24, 1979, 93 Stat. 424.
- Pub. L. 95-431, title III, Oct. 10, 1978, 92 Stat. 1033.
- Pub. L. 95-86, title III, Aug. 2, 1977, 91 Stat. 431.
- Pub. L. 94-362, title III, July 14, 1976, 90 Stat. 949.
- Pub. L. 94-121, title III, Oct. 21, 1975, 89 Stat. 625.
- Pub. L. 93-433, title III, Oct. 5, 1974, 88 Stat. 1197.
- Pub. L. 93-162, title III, Nov. 27, 1973, 87 Stat. 647.
- Pub. L. 92-544, title III, Oct. 25, 1972, 86 Stat. 1121.
- Pub. L. 92-77, title III, Aug. 10, 1971, 85 Stat. 257.
- Pub. L. 91-472, title III, Oct. 21, 1970, 84 Stat. 1051.
- Pub. L. 91-153, title III, Dec. 24, 1969, 83 Stat. 414.
- Pub. L. 90-470, title III, Aug. 9, 1968, 82 Stat. 679.
- Pub. L. 90-133, title III, Nov. 8, 1967, 81 Stat. 422.
- Pub. L. 89-797, title III, Nov. 8, 1966, 80 Stat. 1491.
- Pub. L. 89-164, title III, Sept. 2, 1965, 79 Stat. 631.
- Pub. L. 88-527, title III, Aug. 31, 1964, 78 Stat. 722.
- Pub. L. 88-245, title III, Dec. 30, 1963, 77 Stat. 787.
- Pub. L. 87-843, title III, Oct. 18, 1962, 76 Stat. 1091.
- Pub. L. 87-125, title II, Aug. 3, 1961, 75 Stat. 271.
- Pub. L. 86-451, title I, May 13, 1960, 74 Stat. 94.
- Pub. L. 86-88, title I, July 13, 1959, 73 Stat. 202.
- Pub. L. 85-469, title I, June 25, 1958, 72 Stat. 229.
- Pub. L. 85-52, title I, June 13, 1957, 71 Stat. 72.
- June 20, 1956, ch. 415, title I, 70 Stat. 316.
- June 30, 1955, ch. 253, title I, 69 Stat. 228.
- July 2, 1954, ch. 456, title III, 68 Stat. 424.

Aug. 5, 1953, ch. 328, title III, 67 Stat. 378.
 July 10, 1952, ch. 651, title III, 66 Stat. 564.
 Oct. 22, 1951, ch. 533, title III, 65 Stat. 590.
 Sept. 6, 1950, ch. 896, Ch. III, title III, 64 Stat. 624.
 July 20, 1949, ch. 354, title III, 63 Stat. 466.
 June 3, 1948, ch. 400, title III, 62 Stat. 325.
 July 9, 1947, ch. 211, title III, 61 Stat. 298.
 July 5, 1946, ch. 541, title III, 60 Stat. 470.
 May 21, 1945, ch. 129, title III, 59 Stat. 191.
 June 28, 1944, ch. 294, title III, 58 Stat. 420.
 July 1, 1943, ch. 182, title III, 57 Stat. 296.
 July 2, 1942, ch. 472, title III, 56 Stat. 495.
 June 28, 1941, ch. 258, title II, 55 Stat. 283.
 May 14, 1940, ch. 189, title II, 54 Stat. 198.
 June 29, 1939, ch. 248, title III, 53 Stat. 916.
 Apr. 27, 1938, ch. 180, title III, 52 Stat. 281.
 June 16, 1937, ch. 359, title III, 50 Stat. 294.
 May 15, 1936, ch. 405, 49 Stat. 1341.
 Mar. 22, 1935, ch. 39, 49 Stat. 96.
 Feb. 27, 1925, ch. 364, title III, 43 Stat. 1046.

TRANSFER OF FUNCTIONS

Coast and Geodetic Survey consolidated with Weather Bureau to form a new agency in Department of Commerce to be known as Environmental Science Services Administration, and offices of Director and Deputy Director of Coast and Geodetic Survey abolished, by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out below. The Reorg. Plan also transferred to Secretary of Commerce all functions of Coast and Geodetic Survey and of its Director.

Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees, abolished Environmental Science Services Administration, including offices of Administrator and Deputy Administrator, and established National Oceanic and Atmospheric Administration within Department of Commerce. By Department Organization Order 25-5A, republished 39 F.R. 27486, July 29, 1974, Secretary of Commerce delegated to National Oceanic and Atmospheric Administration a number of functions vested in him, including his functions under this chapter of the Code. By order of Acting Associate Administrator, 35 F.R. 19249, Dec. 19, 1970, the following organizational names appearing in chapter IX of subtitle B of Title 15, Code of Federal Regulations, relating to the Administration, were changed: Environmental Science Services Administration to National Oceanic and Atmospheric Administration (ESSA to NOAA); Coast and Geodetic Survey to National Ocean Survey, and Weather Bureau to National Weather Service.

The functions of all officers of Department of Commerce and all functions of all officers and employees of such Department, were, with a few exceptions, transferred to Secretary of Commerce, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 5 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, set out in the Appendix to Title 5, Government Organization and Employees. The Coast and Geodetic Survey was an agency within the Department of Commerce.

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-386, §1, Oct. 10, 2008, 122 Stat. 4106, provided that: "This Act [amending sections 892, 892a, 892c, 892d, and 3005 of this title] may be cited as the 'Hydrographic Services Improvement Act Amendments of 2008'."

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-372, title I, §101(a), Dec. 19, 2002, 116 Stat. 3079, provided that: "This title [amending sections 892 to 892d of this title] may be cited as the 'Hydrographic Services Improvement Act Amendments of 2002'."

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-384, title III, §301, Nov. 13, 1998, 112 Stat. 3454, provided that: "This title [enacting subchapter IV

of this chapter and amending sections 853a and 853u of this title] may be cited as the 'Hydrographic Services Improvement Act of 1998'."

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-567, title VI, §601, Oct. 29, 1992, 106 Stat. 4299, provided that: "This title [enacting subchapter III of this chapter] may be cited as the 'NOAA Fleet Modernization Act'."

SHORT TITLE

Pub. L. 95-63, §1, July 5, 1977, 91 Stat. 265, provided: "That this Act [enacting sections 857-13 to 857-18 of this title, repealing sections 857-6 to 857-12 of this title, and enacting provisions set out as a note under section 857-13 of this title] may be cited as the 'National Advisory Committee on Oceans and Atmosphere Act of 1977'."

REORGANIZATION PLAN NO. 2 OF 1965

Eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, as amended Pub. L. 90-83, §10(c), Sept. 11, 1967, 81 Stat. 224

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 13, 1965, pursuant to the provisions of the Reorganization Act of 1949, 63 Stat. 203, as amended [see 5 U.S.C. 901 et seq.].

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION, DEPARTMENT OF COMMERCE

SECTION 1. TRANSFER OF FUNCTIONS

All functions vested by law in the Weather Bureau, the Chief of the Weather Bureau, the Coast and Geodetic Survey, the Director of the Coast and Geodetic Survey, and any officer, employee, or organizational entity of that Bureau or Survey, and not heretofore transferred to the Secretary of Commerce, hereinafter referred to as the Secretary, are hereby transferred to the Secretary.

SEC. 2. ABOLITIONS

(a) The offices of Director of the Coast and Geodetic Survey, Deputy Director of the Coast and Geodetic Survey, and Chief of the Weather Bureau are hereby abolished. The Secretary shall make such provisions as he shall deem to be necessary respecting the winding up of any outstanding affairs of the officers whose offices are abolished by the provisions of this section.

(b) The abolitions effected by the provision of subsection (a) of this section shall exclude the abolition of rights to which the present incumbents of the abolished offices would be entitled under law upon the termination of their appointments.

SEC. 3. ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

(a) The Coast and Geodetic Survey and the Weather Bureau are hereby consolidated to form a new agency in the Department of Commerce which shall be known as the Environmental Science Services Administration, hereinafter referred to as the Administration.

(b) The Secretary shall from time to time establish such constituent organizational entities of the Administration, with such names, as he shall determine.

SEC. 4. OFFICERS OF THE ADMINISTRATION

(a) There shall be at the head of the Administration the Administrator of the Environmental Science Services Administration, hereinafter referred to as the Administrator. The Administrator shall be appointed by the President by and with the advice and consent of the Senate. He shall perform such functions as the Secretary may from time to time direct.

(b)(1) There shall be in the Administration a Deputy Administrator of the Environmental Science Services Administration, hereinafter referred to as the Deputy

Administrator, who shall be appointed by the President by and with the advice and consent of the Senate, shall perform such functions as the Secretary may from time to time direct, and, unless he is compensated in pursuance of the provisions of paragraph (2), below, shall receive compensation in accordance with the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees].

(2) The office of Deputy Administrator may be filled at the discretion of the President by appointment (by and with the advice and consent of the Senate) from the active list of commissioned officers of the Administration in which case the appointment shall create a vacancy on the active list and while holding the office of Deputy Administrator the officer shall have rank, pay and allowances not exceeding those of a Vice Admiral.

(c) The Deputy Administrator of such other official of the Department of Commerce as the Secretary shall from time to time designate shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

(d) At any one time, one principal constituent organizational entity of the Administration may, if the Secretary so elects, be headed by a commissioned officer of the Administration, who shall be designated by the Secretary. Such designation of an officer shall create a vacancy on the active list and while serving under this paragraph the officer shall have rank, pay and allowances not exceeding those of a Rear Admiral (upper half).

(e) Any commissioned officer of the Administration who has served as Deputy Administrator or has served in a rank above that of Captain as the head of a principal constituent organizational entity of the Administration, and is retired while so serving or is retired after the completion of such service while serving in a lower rank or grade, shall be retired with the rank, pay and allowances authorized by law for the highest grade and rank held by him; but any such officer, upon termination of his appointment in a rank above that of Captain, shall, unless appointed or assigned to some other position for which a higher rank or grade is provided, revert to the grade and number he would have occupied had he not served in a rank above that of Captain and such officer shall be an extra number in that grade. [As amended Pub. L. 90-83, §10(c), Sept. 11, 1967, 81 Stat. 224.]

SEC. 5. AUTHORITY OF THE SECRETARY

Nothing in this organization plan shall divert the Secretary of any function vested in him by law or by Reorganization Plan No. 5 of 1950 (64 Stat. 1263) [set out in the Appendix to Title 5, Government Organization and Employees] or in any manner derogate from any authority of the Secretary thereunder.

SEC. 6. PERSONNEL, PROPERTY, RECORDS AND FUNDS

(a) The personnel (including commissioned officers) employed in the Coast and Geodetic Survey, the personnel employed in the Weather Bureau, and the property and records held or used by the Weather Bureau or the Coast and Geodetic Survey shall be deemed to be transferred to the Administration.

(b) Unexpended balances of appropriations, allocations, and other funds available or to be made available in connection with functions now administered by the Weather Bureau or by the Coast and Geodetic Survey shall be available to the Administration hereunder in connection with those functions.

(c) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the foregoing provisions of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 7. INTERIM OFFICERS

(a) The President may authorize any person who immediately prior to the effective date of this reorganization plan held a position in the executive branch of the Government to act as Administrator until the office of Administrator is for the first time filled pursuant to the provisions of this reorganization plan or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Administrator.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect to which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

[The Environmental Science Services Administration in the Department of Commerce, including the offices of Administrator and Deputy Administrator thereof, were abolished by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, which created the National Oceanic and Atmospheric Administration in the Department of Commerce and transferred the personnel, property, records, and unexpended balances of funds of the Environmental Science Services Administration to such newly created National Oceanic and Atmospheric Administration.]

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 2 of 1965, prepared in accordance with the provisions of the Reorganization Act of 1949, as amended [see now section 901 et seq. of Title 5, Government Organization and Employees], and providing for the reorganization of two major agencies of the Department of Commerce: The Weather Bureau and the Coast and Geodetic Survey.

The reorganization plan consolidates the Coast and Geodetic Survey and the Weather Bureau to form a new agency in the Department of Commerce to be known as the Environmental Science Services Administration. It is the intention of the Secretary of Commerce to transfer the Central Radio Propagation Laboratory of the National Bureau of Standards to the Administration when the reorganization plan takes effect. The new Administration will then provide a single national focus for our efforts to describe, understand, and predict the state of the oceans, the state of the lower and upper atmosphere, and the size and shape of the earth.

Establishment of the Administration will mark a significant step forward in the continual search by the Federal Government for better ways to meet the needs of the Nation for environmental science services. The organizational improvements made possible by the reorganization plan will enhance our ability to develop an adequate warning system for the severe hazards of nature—for hurricanes, tornadoes, floods, earthquakes, and seismic sea waves, which have proved so disastrous to the Nation in recent years. These improvements will permit us to provide better environmental information to vital segments of the Nation's economy—to agriculture, transportation, communications, and industry, which continually require information about the physical environment. They will mean better services to other Federal departments and agencies—to those that are concerned with the national defense, the exploration of outer space, the management of our mineral and water resources, the protection of the public health against environmental pollution, and the preservation of our wilderness and recreation areas.

The new Administration will bring together a number of allied scientific disciplines that are concerned with the physical environment. The integration will better enable us to look at man's physical environment as a scientific whole and to seek to understand the interactions among air, sea, and earth and between the upper and lower atmosphere. It will facilitate the de-

velopment of programs dealing with the physical environment and will permit better management of these programs. It will enhance our capability to identify and solve important long-range scientific and technological problems associated with the physical environment. The new Administration will, in consequence, promote a fresh sense of scientific dedication, discovery, and challenge, which are essential if we are to attract scientists and engineers of creativity and talent to Federal employment in this field.

The reorganization plan provides for an Administrator at the head of the Administration, and for a Deputy Administrator, each of whom will be appointed by the President by and with the advice and consent of the Senate. As authorized by the civil service and other laws and regulations, subordinate officers of the Administration will be appointed by the Secretary of Commerce or be assigned by him from among a corps of commissioned officers. The Administration will perform such functions as the Secretary of Commerce may delegate or otherwise assign to it and will be under his direction and control.

Commissioned officers of the Coast and Geodetic Survey will become commissioned officers of the Administration and may serve at the discretion of the Secretary of Commerce throughout the Administration. The reorganization plan authorizes the President at his discretion to fill the Office of Deputy Administrator by appointment, by and with the advice and consent of the Senate, from the active list of commissioned officers of the Administration.

The reorganization plan transmitted herewith abolishes—and thus excludes from the consolidation mentioned above—the offices of (1) Chief of the Weather Bureau, provided for in the act of October 1, 1890 (15 U.S.C. 312); (2) Director of the Coast and Geodetic Survey, provided for in the acts of June 4, 1920, and February 16, 1929, as amended (33 U.S.C. 852, 852a); and (3) Deputy Director of the Coast and Geodetic Survey, provided for in the act of January 19, 1942, as amended (33 U.S.C. 852b).

After investigation, I have found and hereby declare that each reorganization included in Reorganization Plan No. 2 of 1965 is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949, as amended [see now section 901 of Title 5, Government Organization and Employees]. I have also found and hereby declare that by reason of the reorganizations made by the reorganization plan, it is necessary to include in the plan provisions for the appointment and compensation of the officers of the Administration set forth in section 4 of the reorganization plan. The rate of compensation fixed for each of these officers is that which I have found to prevail in respect of comparable officers in the executive branch of the Government.

In addition to permitting more effective management within the Department of Commerce, the new organization will ultimately produce economies. These economies will be of two types. The first, and probably the most significant, is the savings and avoidance of costs which will result from the sharing of complex and expensive facilities such as satellites, computers, communication systems, aircraft, and ships. These economies will increase in significance as developments in science and technology bring into being still more advanced equipment. Second, integration of the existing headquarters and field organizations will permit more efficient utilization of existing administrative staffs and thereby produce future economies. It is, however, impracticable to specify or itemize at this time the reductions of expenditures which it is probable will be brought about by the taking effect of the reorganizations included in the reorganization plan.

I recommend that the Congress allow the accompanying reorganization plan to become effective.

LYNDON B. JOHNSON.

THE WHITE HOUSE, May 13, 1965.

§ 851a. Repealed. June 3, 1948, ch. 390, § 22(a), formerly § 21(a), 62 Stat. 300; renumbered § 22(a), Sept. 14, 1961, Pub. L. 87-233, § 1(f), 75 Stat. 506

Section, act Jan. 19, 1942, ch. 6, § 1, 56 Stat. 6, related to distribution of the total number of commissioned officers in rank.

§§ 852 to 852b. Omitted

CODIFICATION

Sections, which made provision for a Director of the Coast and Geodetic Survey and for a Deputy Director and covered their appointment, rank, pay, and allowances, have been omitted in view of 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out as a note under section 851 of this title, which abolished such offices and transferred their functions to the Secretary of Commerce. For further details, see Transfer of Functions note set out under section 851 of this title.

Section 852, acts June 4, 1920, ch. 228, § 1, 41 Stat. 825; June 5, 1920, ch. 235, § 1, 41 Stat. 929; Feb. 16, 1929, ch. 221, § 5, 45 Stat. 1187; Mar. 18, 1936, ch. 147, 49 Stat. 1164, provided for the appointment and reappointment of the Director of the Coast and Geodetic Survey.

Section 852a, acts Feb. 16, 1929, ch. 221, § 5, 45 Stat. 1187; Mar. 18, 1936, ch. 147, 49 Stat. 1164; June 3, 1948, ch. 390, § 21(a), formerly § 20(a), 62 Stat. 300; renumbered § 21(a), Sept. 14, 1961, Pub. L. 87-233, § 1(f), 75 Stat. 506, provided for the rank, pay, and allowances of the Director.

Section 852b, acts Jan. 19, 1942, ch. 6, § 8, 56 Stat. 8; June 3, 1948, ch. 390, § 21(b), formerly § 20(b), 62 Stat. 300; renumbered § 21(b), Sept. 14, 1961, Pub. L. 87-233, § 1(f), 75 Stat. 506; June 21, 1955, ch. 172, § 3(b), 69 Stat. 169; June 30, 1960, Pub. L. 86-554, § 1, 74 Stat. 258, provided for the appointment, active and retired rank, pay, and allowances, of the Deputy Director of the Coast and Geodetic Survey.

§ 853. Power to settle claims

The Secretary of Commerce is authorized to consider, ascertain, adjust, and determine all claims for damages, where the amount of the claim does not exceed \$2,500, occasioned, subsequent to June 5, 1920, by acts for which the National Oceanic and Atmospheric Administration is responsible.

(June 5, 1920, ch. 256, 41 Stat. 1054; Pub. L. 93-608, § 1(4), Jan. 2, 1975, 88 Stat. 1967; Pub. L. 98-176, Nov. 29, 1983, 97 Stat. 1124.)

AMENDMENTS

1983—Pub. L. 98-176 amended section generally, substituting “The Secretary of Commerce is” for “The Superintendent of the Coast and Geodetic Survey, subject to the approval of the Secretary of Commerce, is hereby”, “\$2,500” for “\$500”, and “the National Oceanic and Atmospheric Administration is responsible” for “the Coast and Geodetic Survey shall be found to be responsible”.

1975—Pub. L. 93-608 struck out reporting requirement to Congress of amounts ascertained and determined due for payment as legal claims out of Congressional appropriations.

REPEALS

Act Aug. 2, 1946, ch. 753, title IV, § 424(a), 60 Stat. 846, repealed this section insofar as it concerned claims cognizable under sections 921 and 922 of former Title 28, Judicial Code and Judiciary (see sections 2672 and 2673 of Title 28, Judiciary and Judicial Procedure) which are caused by the negligent or wrongful act or omission of any Government employee acting within the scope of

his employment, but by section 424(b) of that act, section 946 of former Title 28 (see note set out under section 2680 of Title 28), this section is specifically saved with reference to any claim which is not caused by the negligent or wrongful act or omission of any Government employee acting within the scope of his employment.

§§ 853a to 853l. Repealed. Pub. L. 107–372, title II, § 271(1), Dec. 19, 2002, 116 Stat. 3094

Section 853a, acts June 3, 1948, ch. 390, § 2, 62 Stat. 297; Pub. L. 87–233, § 1(a), Sept. 14, 1961, 75 Stat. 506; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 105–384, title III, § 307(a), Nov. 13, 1998, 112 Stat. 3457, related to authorized numbers of commissioned officers on the active list of the National Oceanic and Atmospheric Administration. See sections 3004 and 3005 of this title.

Section 853b, act June 3, 1948, ch. 390, § 3, 62 Stat. 298, related to promotion by selection to grades above lieutenant. See section 3024 of this title.

Section 853c, act June 3, 1948, ch. 390, § 4, 62 Stat. 298, related to promotion to the grade of lieutenant and lieutenant commander upon completion of seven and fourteen years of service, respectively.

Section 853d, act June 3, 1948, ch. 390, § 5, 62 Stat. 298, related to promotion to the grade of commander and captain after completion of twenty-one and thirty years of service, respectively.

Section 853e, acts June 3, 1948, ch. 390, § 6, 62 Stat. 298; June 21, 1955, ch. 172, § 4(a), 69 Stat. 169; Pub. L. 87–233, § 1(b), Sept. 14, 1961, 75 Stat. 506, related to promotion and separation from service of ensigns. See section 3023 of this title.

Section 853f, act June 3, 1948, ch. 390, § 7, 62 Stat. 298, related to length of service for purposes of promotion. See section 3025 of this title.

Section 853g, acts June 3, 1948, ch. 390, § 8, 62 Stat. 298; Pub. L. 98–498, title III, § 320(a)(1), Oct. 19, 1984, 98 Stat. 2307, related to retirement or separation of officers. See section 3041 of this title.

Section 853h, acts June 3, 1948, ch. 390, § 9, 62 Stat. 299; Pub. L. 87–649, § 9(b)(1), Sept. 7, 1962, 76 Stat. 495; Pub. L. 98–498, title III, § 320(a)(1), Oct. 19, 1984, 98 Stat. 2307; Pub. L. 102–54, § 13(m)(1), June 13, 1991, 105 Stat. 277; Pub. L. 105–85, div. A, title VI, § 652(a), (b), Nov. 18, 1997, 111 Stat. 1803, 1804, related to separation pay of officers. See section 3042 of this title.

Section 853i, acts June 3, 1948, ch. 390, § 10, 62 Stat. 299; June 21, 1955, ch. 172, § 4(b), 69 Stat. 170, directed that appointments and promotions be made by President and authorized suspension of provisions in time of emergency. See sections 3026 and 3033 of this title.

Section 853j, act June 3, 1948, ch. 390, § 11, 62 Stat. 299, required passing of examinations for promotion.

Section 853j–1, acts June 3, 1948, ch. 390, § 12, as added Pub. L. 87–233, § 1(d), Sept. 14, 1961, 75 Stat. 506; amended Pub. L. 98–498, title III, § 320(b), Oct. 19, 1984, 98 Stat. 2308, related to temporary appointments and promotions made by President. See section 3029 of this title.

Section 853k, acts June 3, 1948, ch. 390, § 13, formerly § 12, 62 Stat. 299; renumbered § 13, Pub. L. 87–233, § 1(c), Sept. 14, 1961, 75 Stat. 506, related to retirement of officers for age. See section 3043 of this title.

Section 853l, acts June 3, 1948, ch. 390, § 14, formerly § 13, 62 Stat. 299; renumbered § 14 and amended Pub. L. 87–233, § 1(e), Sept. 14, 1961, 75 Stat. 506, related to retirement for length of service upon application. See section 3044 of this title.

A prior section 14 of act June 3, 1948, was classified to section 853m of this title prior to repeal by act Oct. 12, 1949.

SHORT TITLE

Section 1 of act June 3, 1948, ch. 390, 62 Stat. 297, provided that act June 3, 1948, enacting sections 853a to 853o and 853p to 853v of this title, amending sections

852a, 852b, 854a, and 864d of this title, and repealing sections 851a, 854b, 854c, 864b, and 864c of this title, could be cited as the “Coast and Geodetic Survey Commissioned Officers’ Act of 1948”, prior to repeal by Pub. L. 107–372, title II, § 271(1), Dec. 19, 2002, 116 Stat. 3094.

§§ 853m, 853n. Repealed. Oct. 12, 1949, ch. 681, title V, § 531(b)(41), 63 Stat. 840

Section 853m, act June 3, 1948, ch. 390, § 14, 62 Stat. 299, related to retirement for disability. See section 1201 et seq. of Title 10, Armed Forces.

Section 853n, act June 3, 1948, ch. 390, § 15, 62 Stat. 299, related to computation of service for retirement purposes. See sections 1401 et seq., 6321 et seq., and 6371 et seq. of Title 10.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1949, see section 533(a) of act Oct. 12, 1949, set out as an Effective Date of 1949 Amendment note under section 854a of this title.

§ 853o. Repealed. Pub. L. 107–372, title II, § 271(1), Dec. 19, 2002, 116 Stat. 3094

Section, acts June 3, 1948, ch. 390, § 16, 62 Stat. 299; Oct. 12, 1949, ch. 681, title V, § 531(b)(41), 63 Stat. 840; Pub. L. 85–422, § 11(c), May 20, 1958, 72 Stat. 132; Pub. L. 87–649, § 9(b)(2), Sept. 7, 1962, 76 Stat. 495; Pub. L. 96–342, title VIII, § 813(g), Sept. 8, 1980, 94 Stat. 1110; Pub. L. 98–94, title IX, §§ 922(c), 923(e), Sept. 24, 1983, 97 Stat. 642, 643; Pub. L. 99–348, title II, § 206, July 1, 1986, 100 Stat. 701, related to computation of retirement pay. See section 3045 of this title.

§ 853o–1. Credit of service as deck officer or junior engineer and certain other active service for retirement and retirement pay

Active service in the National Oceanic and Atmospheric Administration as a deck officer or junior engineer and active service counted on June 30, 1922, for longevity pay, shall be credited to commissioned officers as active commissioned service for purposes of retirement and retirement pay.

(Pub. L. 87–649, § 9(c), Sept. 7, 1962, 76 Stat. 496; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

CODIFICATION

Section was formerly classified to section 302 of Title 37 prior to the general revision and enactment of Title 37, Pay and Allowances of the Uniformed Services, by Pub. L. 87–649, § 1, Sept. 7, 1962, 76 Stat. 451.

EFFECTIVE DATE

Section effective Nov. 1, 1962, see section 15 of Pub. L. 87–649, set out as a note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

TRANSFER OF FUNCTIONS

Coast and Geodetic Survey consolidated with Weather Bureau to form a new agency in Department of Commerce to be known as Environmental Science Services Administration, and commissioned officers of Survey transferred to ESSA, by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out as a note under section 851 of this title. The Reorg. Plan also transferred to Secretary of Commerce all functions of Coast and Geodetic Survey and Director of Survey. Subsequently, Environmental Science Services Administration abolished, National Oceanic and Atmospheric Administration established, and Commissioned Officer Corps of ESSA redesignated Commissioned Officer Corps of NOAA by Reorg. Plan No. 4 of 1970, eff. Oct. 3,

1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees. For further details, see note set out under section 851 of this title.

§§ 853p to 853r. Repealed. Pub. L. 107-372, title II, § 271(1), Dec. 19, 2002, 116 Stat. 3094

Section 853p, act June 3, 1948, ch. 390, § 17, 62 Stat. 300, provided that retired pay be based on highest rank held. See section 3046 of this title.

Section 853q, act June 3, 1948, ch. 390, § 18, 62 Stat. 300, provided that Coast and Geodetic Survey Commissioned Officers' Act of 1948 would not affect retired rank and pay held pursuant to other laws. See section 3047 of this title.

Section 853r, act June 3, 1948, ch. 390, § 19, 62 Stat. 300, related to personnel board. See section 3022 of this title.

§ 853s. Repealed. Pub. L. 88-431, § 1(c)(2), Aug. 14, 1964, 78 Stat. 440

Section, act June 3, 1948, ch. 390, § 20, as added Sept. 14, 1961, Pub. L. 87-233, § 1(g), 75 Stat. 506, related to transportation of motor vehicles for commissioned officers of Survey ordered to make a permanent change of station.

§§ 853t to 854. Repealed. Pub. L. 107-372, title II, § 271(1), (4), Dec. 19, 2002, 116 Stat. 3094

Section 853t, act June 3, 1948, ch. 390, § 23, as added Pub. L. 87-233, § 1(h), Sept. 14, 1961, 75 Stat. 506, related to original appointments. See section 3021 of this title.

Section 853u, act June 3, 1948, ch. 390, § 24, as added Pub. L. 98-498, title III, § 320(c)(1), Oct. 19, 1984, 98 Stat. 2308; amended Pub. L. 99-145, title V, § 514(a)(3), Nov. 8, 1985, 99 Stat. 628; Pub. L. 105-384, title III, § 307(b), Nov. 13, 1998, 112 Stat. 3458, related to designation of positions of importance and responsibility. See section 3028 of this title.

Section 853v, act June 3, 1948, ch. 390, § 25, as added Pub. L. 106-65, div. A, title VI, § 652(c), Oct. 5, 1999, 113 Stat. 665, related to presentation of flag upon retirement. See section 3076 of this title.

Section 854, acts May 22, 1917, ch. 20, § 16, 40 Stat. 88; June 21, 1955, ch. 172, § 2(a), 69 Stat. 169, required mental and physical examination prior to appointment or promotion. See section 3027 of this title.

§ 854a. Service credit as deck officer or junior engineer for promotion purposes

For purposes of promotion which is now or may hereafter be authorized for officers appointed after June 30, 1922, there shall be counted in addition to active commissioned service, service as deck officer and junior engineer.

(Jan. 19, 1942, ch. 6, § 2, 56 Stat. 6; June 3, 1948, ch. 390, § 22(a), formerly § 21(a), 62 Stat. 300, renumbered § 22(a), Pub. L. 87-233, § 1(f), Sept. 14, 1961, 75 Stat. 506; Oct. 12, 1949, ch. 681, title V, § 531(b)(32), 63 Stat. 839; June 21, 1955, ch. 172, § 3(a), 69 Stat. 169.)

CODIFICATION

Provisions similar to this section are contained in section 3032 of this title.

AMENDMENTS

1955—Act June 21, 1955, credited all service as deck officer and junior engineer.

1949—Act Oct. 12, 1949, repealed that part of second proviso of subsec. (b) relating to service credit as deck officer or junior engineer for pay, longevity pay, or retirement purposes.

1948—Act June 3, 1948, repealed subsecs. (a), (c), (d) and all of subsec. (b) except for second proviso which now comprises this section.

EFFECTIVE DATE OF 1949 AMENDMENT

Section 533(a) of act Oct. 12, 1949, provided that: "Except as provided in subsections (b) and (c) of this section, this Act [see Tables for classification] shall become effective on October 1, 1949, and no pay, allowances, or benefits provided herein shall accrue to any person for any period prior thereto."

§ 854a-1. Temporary appointment or advancement of commissioned officers in time of war or national emergency

Personnel of the National Oceanic and Atmospheric Administration shall be subject in like manner and to the same extent as personnel of the Navy to all laws authorizing temporary appointment or advancement of commissioned officers in time of war or national emergency subject to the following limitations:

(1) Commissioned officers in the service of a military department, under the provisions of sections 854, 855, 856, 857, and 858¹ of this title may, upon the recommendation of the Secretary of the military department concerned, be temporarily promoted to higher ranks or grades.

(2) Commissioned officers in the service of the National Oceanic and Atmospheric Administration may be temporarily promoted to fill vacancies in ranks and grades caused by the transfer of commissioned officers to the service and jurisdiction of a military department under the provisions of sections 854, 855, 856, 857, and 858¹ of this title.

(3) Temporary appointments may be made in all grades to which original appointments in the National Oceanic and Atmospheric Administration are authorized: *Provided*, That the number of officers holding temporary appointments shall not exceed the number of officers transferred to a military department under the provisions of sections 854, 855, 856, 857, and 858¹ of this title.

(Dec. 3, 1942, ch. 670, § 1, 56 Stat. 1038; Pub. L. 89-657, § 3, Oct. 14, 1966, 80 Stat. 907; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

REFERENCES IN TEXT

Sections 854, 855, 856, 857, and 858 of this title, referred to in text, were repealed by Pub. L. 107-372, title II, § 271(4), Dec. 19, 2002, 116 Stat. 3094.

CODIFICATION

Provisions similar to this section are contained in section 3030 of this title.

AMENDMENTS

1966—Pub. L. 89-657 struck out reference to act of July 24, 1941 (Public, Numbered 188, Seventy-seventh Congress) which, for purposes of codification, has been changed to sections 350 to 350j of former title 34 and substituted Environmental Science Services Administration for Coast and Geodetic Survey, temporary advancement of commissioned officers for temporary promotions, military departments for Department of the Army or Navy Department, Secretary of the military department concerned for Secretary of the Army or Secretary of the Navy, and reference to temporary appointments in all grades to which original appointment

¹ See References in Text note below.

ments in the Environmental Science Services Administration are authorized for reference to temporary appointment of regularly appointed deck officers and junior engineers to the rank and grade of ensign.

TRANSFER OF FUNCTIONS

Coast and Geodetic Survey consolidated with Weather Bureau to form a new agency in Department of Commerce to be known as Environmental Science Services Administration, and commissioned officers of Survey transferred to ESSA, by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out as a note under section 851 of this title. The Reorg. Plan also transferred to Secretary of Commerce all functions of Coast and Geodetic Survey and Director of Survey. Subsequently, Environmental Science Services Administration abolished, National Oceanic and Atmospheric Administration established, and Commissioned Officer Corps of ESSA redesignated Commissioned Officer Corps of NOAA by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees. For further details, see note set out under section 851 of this title.

DELEGATION OF FUNCTIONS

Functions of President under pars. (1), (2), and (3) delegated to Secretary of Commerce, see section 1(b), (i) and (j) of Ex. Ord. No. 11023, May 28, 1962, 27 F.R. 5131, set out as a note under section 301 of Title 3, The President.

§ 854a-2. Pay and allowances; date of acceptance of promotion

Any commissioned officer of the National Oceanic and Atmospheric Administration promoted to a higher grade at any time after December 7, 1941, shall be deemed for all purposes to have accepted his promotion to higher grade upon the date such promotion is made by the President unless he shall expressly decline such promotion, and shall receive the pay and allowances of the higher grade from such date unless he is entitled under some other provision of law to receive the pay and allowances of the higher grade from an earlier date. No such officer who shall have subscribed to the oath of office required by section 3331 of title 5, shall be required to renew such oath or to take a new oath upon his promotion to a higher grade, if his service after the taking of such an oath shall have been continuous.

(Dec. 3, 1942, ch. 670, § 3, 56 Stat. 1039; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

CODIFICATION

“Section 3331 of title 5” substituted in text for “section 1757, Revised Statutes” on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees. Section 1757 of the Revised Statutes had been classified to section 16 of former Title 5, Executive Departments and Government Officers and Employees.

Provisions similar to this section are contained in section 3031 of this title.

TRANSFER OF FUNCTIONS

Coast and Geodetic Survey consolidated with Weather Bureau to form a new agency in Department of Commerce to be known as Environmental Science Services Administration, and commissioned officers of Survey transferred to ESSA, by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out as a note

under section 851 of this title. The Reorg. Plan also transferred to Secretary of Commerce all functions of Coast and Geodetic Survey and Director of Survey. Subsequently, Environmental Science Services Administration abolished, National Oceanic and Atmospheric Administration established, and Commissioned Officer Corps of ESSA redesignated Commissioned Officer Corps of NOAA by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees. For further details, see note set out under section 851 of this title.

§§ 854b, 854c. Repealed. June 3, 1948, ch. 390, § 22(a), formerly § 21(a), 62 Stat. 300; renumbered § 22(a), Sept. 14, 1961, Pub. L. 87-233, § 1(f), 75 Stat. 506

Section 854b, act Jan. 19, 1942, ch. 6, § 3, 56 Stat. 7, related to composition, powers and duties of a Personnel Board.

Section 854c, act Jan. 19, 1942, ch. 6, § 4, 56 Stat. 7, related to submission of reports of the Personnel Boards to the President.

§ 855. Repealed. Pub. L. 107-372, title II, § 271(4), Dec. 19, 2002, 116 Stat. 3094

Section, acts May 22, 1917, ch. 20, § 16, 40 Stat. 87; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; Pub. L. 89-657, § 1(1), Oct. 14, 1966, 80 Stat. 907; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, related to cooperation with and transfer to military departments. See section 3061 of this title.

§ 855a. Repealed. Pub. L. 85-857, § 14(79), Sept. 2, 1958, 72 Stat. 1272

Section, acts Dec. 3, 1942, ch. 670, § 2, 56 Stat. 1038; Aug. 16, 1954, ch. 738, 68 Stat. 730, related to rights and benefits of commissioned officers of Coast and Geodetic Survey assigned to projects of Army and Navy outside continental United States or in hazardous military areas.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 85-857 effective Jan. 1, 1959, see section 2 of Pub. L. 85-857, set out as an Effective Date note preceding Part I of Title 38, Veterans' Benefits.

§§ 856 to 857-5. Repealed. Pub. L. 107-372, title II, § 271(3), (4), Dec. 19, 2002, 116 Stat. 3094

Section 856, acts May 22, 1917, ch. 20, § 16, 40 Stat. 88; June 21, 1955, ch. 172, § 2(b), 69 Stat. 169; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, related to relative rank of National Oceanic and Atmospheric Administration officers when serving with Army, Navy, or Air Force. See section 3062 of this title.

Section 857, acts May 22, 1917, ch. 20, § 16, 40 Stat. 88; Aug. 1, 1956, ch. 837, title V, § 501(d)(1), 70 Stat. 883; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 102-54, § 13(m)(2), June 13, 1991, 105 Stat. 277, related to service of commissioned officers of the National Oceanic and Atmospheric Administration for purposes of servicemen's and veterans' benefits. See section 3072 of this title.

Section 857-1, Pub. L. 91-621, § 1, Dec. 31, 1970, 84 Stat. 1863, related to applicable definitions. See section 3002 of this title.

Section 857-2, Pub. L. 91-621, § 2, Dec. 31, 1970, 84 Stat. 1863, related to retirement grade and pay. See section 3046 of this title.

Section 857-3, Pub. L. 91-621, § 3, Dec. 31, 1970, 84 Stat. 1863; Pub. L. 98-498, title III, § 310(a), Oct. 19, 1984, 98 Stat. 2306; Pub. L. 102-54, § 13(m)(3), June 13, 1991, 105 Stat. 277, related to service for purposes of certain statutory rights, privileges, immunities, and benefits and

provision of medical and dental care. See sections 3072 and 3073 of this title.

Section 857-4, Pub. L. 91-621, §4, Dec. 31, 1970, 84 Stat. 1863, related to commissary privileges. See section 3074 of this title.

Section 857-5, Pub. L. 91-621, §5, Dec. 31, 1970, 84 Stat. 1864, related to applicability of statutes that had applied to commissioned officers of the Coast and Geodetic Survey and the Environmental Science Services Administration.

REPEALS

Pub. L. 91-621, §8, Dec. 31, 1970, 84 Stat. 1867, provided that all provisions of law inconsistent with Pub. L. 91-621 were repealed, prior to repeal by Pub. L. 107-372, title II, §271(3), Dec. 19, 2002, 116 Stat. 3094.

§§ 857-6 to 857-12. Repealed. Pub. L. 95-63, § 7(a), July 5, 1977, 91 Stat. 267

Section 857-6, Pub. L. 92-125, §1, Aug. 16, 1971, 85 Stat. 344, established National Advisory Committee on Oceans and Atmosphere. See section 857-13 of this title.

Section 857-7, Pub. L. 92-125, §2, Aug. 16, 1971, 85 Stat. 344, provided for membership, terms of office, duties, and Chairman and Vice Chairman of Committee. See section 857-14 of this title.

Section 857-8, Pub. L. 92-125, §3, Aug. 16, 1971, 85 Stat. 344, provided for designation of a senior policy official of Federal departments and agencies to assist Committee. See section 857-17(a) of this title.

Section 857-9, Pub. L. 92-125, §4, Aug. 16, 1971, 85 Stat. 344; Pub. L. 94-69, §2, Aug. 5, 1975, 89 Stat. 384, provided for an annual report by Committee. See section 857-15 of this title.

Section 857-10, Pub. L. 92-125, §5, Aug. 16, 1971, 85 Stat. 344, provided for compensation and travel expenses of Committee members. See section 857-16 of this title.

Section 857-11, Pub. L. 92-125, §6, Aug. 16, 1971, 85 Stat. 345, provided for assistance to Committee by Federal departments and agencies. See section 857-17 of this title.

Section 857-12, Pub. L. 92-125, §7, Aug. 16, 1971, 85 Stat. 345; Pub. L. 92-567, Oct. 25, 1972, 86 Stat. 1181; Pub. L. 94-69, §1, Aug. 5, 1975, 89 Stat. 384, authorized appropriations for operation of the Committee. See section 857-18 of this title.

§ 857-13. National Advisory Committee on Oceans and Atmosphere

There is hereby established a committee of 18 members to be known as the National Advisory Committee on Oceans and Atmosphere (hereinafter in sections 857-13 to 857-18 of this title referred to as the "Committee").

(Pub. L. 95-63, §2, July 5, 1977, 91 Stat. 265.)

PRIOR PROVISIONS

Provisions similar to that contained in this section, which established a National Advisory Committee on Oceans and Atmosphere with a membership of twenty-five, were contained in section 857-6 of this title prior to repeal by section 7(a) of Pub. L. 95-63.

SHORT TITLE

For short title of Pub. L. 95-63, see section 1 of Pub. L. 95-63, set out as a note under section 851 of this title.

TRANSFER OF PERSONNEL, POSITIONS, RECORDS, AND FUNDS

Section 7(b) of Pub. L. 95-63 provided that: "All personnel, positions, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions specified by the Act of August 16, 1971 [former sections 857-6 to 857-12 of this title] (es-

tablishing an advisory committee on oceans and atmosphere), are hereby transferred to the National Advisory Committee on Oceans and Atmosphere established by this Act [sections 857-13 to 857-18 of this title]. The personnel transferred under this subsection shall be so transferred without reduction in classification or compensation except, that after such transfer, such personnel shall be subject to reductions in classification or compensation in the same manner, to the same extent, and according to the same procedure as other employees of the United States classified and compensated according to the General Schedule in title 5, United States Code."

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 857-14. Membership

(a) Appointment and qualifications

The members of the Committee, who may not be full-time officers or employees of the United States, shall be appointed by the President. Members shall be appointed only from among individuals who are eminently qualified by way of knowledge and expertise in the following areas of direct concern to the Committee—

(1) one or more of the disciplines and fields included in marine science and technology, marine industry, marine-related State and local governmental functions, coastal zone management, or other fields directly appropriate for consideration of matters of ocean policy; or

(2) one or more of the disciplines and fields included in atmospheric science, atmospheric-related State and local governmental functions, or other fields directly appropriate for consideration of matters of atmospheric policy.

(b) Terms

(1) The term of office of a member of the Committee shall be 3 years; except that of the original appointees, 6 shall be appointed for a term to expire on July 1, 1979, 6 shall be appointed for a term to expire on July 1, 1980, and 6 shall be appointed for a term to expire on July 1, 1981.

(2) Any individual appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. No individual may be reappointed to the Committee for more than one additional 3-year term. A member may serve after the date of the expiration of the term of office for which appointed until his or her successor has taken office. The terms of office for members first appointed after July 5, 1977, shall begin on July 1, 1977.

(c) Chairman

The President shall designate one of the members of the Committee as the Chairman and one

of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

(d) Duties

The Committee shall—

(1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; and

(2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration.

(Pub. L. 95-63, §3, July 5, 1977, 91 Stat. 265; Pub. L. 95-304, §1(1), June 29, 1978, 92 Stat. 347; Pub. L. 97-87, §1(1), Dec. 1, 1981, 95 Stat. 1134.)

PRIOR PROVISIONS

Provisions similar to those contained in this section, which related to membership, terms, and duties of the National Advisory Committee on Oceans and Atmosphere as originally established on Aug. 16, 1971, were contained in section 857-7 of this title prior to repeal by section 7(a) of Pub. L. 95-63.

AMENDMENTS

1981—Subsec. (b)(2). Pub. L. 97-87 struck out “, or until ninety days after such date, whichever is earlier” after “until his or her successor has taken office”.

1978—Subsec. (b)(1). Pub. L. 95-304 substituted provisions authorizing terms of members to expire on July 1, 1979, July 1, 1980, and July 1, 1981, respectively, for provisions authorizing terms of members to be for 1 year, 2 years, and 3 years, respectively.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 857-15. Reports

(a) In general

The Committee shall submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and shall submit such other reports as may from time to time be requested by the President or the Congress.

(b) Review by Secretary

Each annual report shall also be submitted to the Secretary of Commerce, who shall, within 60 days after receipt thereof, transmit his or her comments and recommendations to the President and to the Congress.

(c) Annual report submittal

The annual report required under subsection (a) of this section shall be submitted on or before June 30 of each year, beginning with June 30, 1978.

(Pub. L. 95-63, §4, July 5, 1977, 91 Stat. 266.)

PRIOR PROVISIONS

A provision similar to that contained in this section, which required an annual report, beginning June 30, 1972, from the National Advisory Committee on Oceans and Atmosphere as originally established on Aug. 16, 1971, was contained in section 857-9 of this title prior to repeal by section 7(a) of Pub. L. 95-63.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (a) of this section relating to submitting an annual report to Congress and provisions in subsec. (b) of this section relating to annually transmitting comments and recommendations to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and pages 50 and 177 of House Document No. 103-7.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 857-16. Compensation and travel expenses

Members of the Committee shall each be entitled to receive compensation not to exceed the daily rate for a GS-18 for each day (including traveltime) during which they are engaged in the actual performance of the duties of the Committee. In addition, while away from their homes or regular places of business in the performance of the duties of the Committee, each member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b)¹ of title 5.

(Pub. L. 95-63, §5, July 5, 1977, 91 Stat. 266; Pub. L. 97-87, §1(2), Dec. 1, 1981, 95 Stat. 1134.)

REFERENCES IN TEXT

Section 5703 of title 5, referred to in text, was amended generally by Pub. L. 94-22, §4, May 19, 1975, 89 Stat. 85, and, as so amended, does not contain a subsec. (b).

PRIOR PROVISIONS

A provision similar to that contained in this section, which authorized compensation and travel expenses for members of the National Advisory Committee on Oceans and Atmosphere as originally established on Aug. 16, 1971, was contained in section 857-10 of this title prior to repeal by section 7(a) of Pub. L. 95-63.

AMENDMENTS

1981—Pub. L. 97-87 substituted “not to exceed the daily rate for a GS-18” for “of \$100 per day”.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year

¹ See References in Text note below.

period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 857-17. Interagency cooperation and assistance

(a) Liaison

The head of each department or agency of the Federal Government concerned with marine and atmospheric matters shall designate a senior policy official to participate as observer in the work of the Committee and offer necessary assistance.

(b) Agency assistance

The Committee is authorized to request from the head of any department, agency, or independent instrumentality of the Federal Government any information and assistance it deems necessary to carry out the functions assigned under sections 857-13 to 857-18 of this title. The head of each such department, agency, or instrumentality is authorized to cooperate with the Committee, and, to the extent permitted by law, to furnish such information and assistance to the Committee upon request made by the Chairman, without reimbursement for such services and assistance.

(c) Administrative assistance

The Secretary of Commerce shall make available to the Committee such staff, information, personnel, and administrative services and assistance as may reasonably be required to carry out the provisions of sections 857-13 to 857-18 of this title.

(Pub. L. 95-63, § 6, July 5, 1977, 91 Stat. 266.)

PRIOR PROVISIONS

Provisions similar to those contained in this section, which required the designation of senior policy officials as observers, directed the Secretary of Commerce to provide administrative assistance, and authorized requests for assistance from Federal agencies by the Federal Advisory Committee on Oceans and Atmosphere as originally established on Aug. 16, 1971, were contained in sections 857-8 and 857-11 of this title prior to repeal by section 7(a) of Pub. L. 95-63.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration

is otherwise provided for by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 857-18. Authorization of appropriations

There are authorized to be appropriated for purposes of carrying out sections 857-13 to 857-18 of this title not to exceed \$520,000 for the fiscal year ending September 30, 1978, \$572,000 for the fiscal year ending September 30, 1979, \$565,000 for the fiscal year ending September 30, 1980, \$600,000 for the fiscal year ending September 30, 1981, and \$555,000 for the fiscal year ending September 30, 1982. Such sums as may be appropriated under this section shall remain available until expended.

(Pub. L. 95-63, § 8, July 5, 1977, 91 Stat. 267; Pub. L. 95-304, § 1(2), June 29, 1978, 92 Stat. 347; Pub. L. 96-26, June 21, 1979, 93 Stat. 74; Pub. L. 97-87, § 1(3), Dec. 1, 1981, 95 Stat. 1134.)

PRIOR PROVISIONS

Provisions similar to those contained in this section, which authorized appropriations, beginning with an authorization of \$200,000 for the fiscal year ending June 30, 1972, for the operation of the National Advisory Committee on Oceans and Atmosphere as originally established on Aug. 16, 1971, were contained in section 857-12 of this title prior to repeal by section 7(a) of Pub. L. 95-63.

AMENDMENTS

1981—Pub. L. 97-87 inserted provisions authorizing appropriations of not to exceed \$555,000 for fiscal year ending Sept. 30, 1982, and provided that such sums as might be appropriated under authority of this section remain available until expended.

1979—Pub. L. 96-26 substituted provisions authorizing appropriations of \$565,000 for fiscal year ending Sept. 30, 1980, and \$600,000 for fiscal year ending Sept. 30, 1981, for provisions directing that sums appropriated under this section remain available until expended.

1978—Pub. L. 95-304 inserted provisions authorizing appropriations for fiscal year ending Sept. 30, 1979.

§ 857-19. Biennial report

Beginning in September, 2001, the President shall transmit to the Congress biennially a report that includes a detailed listing of all existing Federal programs related to ocean and coastal activities, including a description of each program, the current funding for the program, linkages to other Federal programs, and a projection of the funding level for the program for each of the next 5 fiscal years beginning after the report is submitted.

(Pub. L. 106-256, § 5, Aug. 7, 2000, 114 Stat. 648.)

NATIONAL OCEAN POLICY

Pub. L. 106-256, Aug. 7, 2000, 114 Stat. 644, as amended by Pub. L. 107-206, title I, § 206, Aug. 2, 2002, 116 Stat. 833; Pub. L. 107-372, title III, § 306, Dec. 19, 2002, 116 Stat. 3096, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Oceans Act of 2000’.

“SEC. 2. PURPOSE AND OBJECTIVES.

“The purpose of this Act is to establish a commission to make recommendations for coordinated and comprehensive national ocean policy that will promote—

“(1) the protection of life and property against natural and manmade hazards;

“(2) responsible stewardship, including use, of fishery resources and other ocean and coastal resources;

“(3) the protection of the marine environment and prevention of marine pollution;

“(4) the enhancement of marine-related commerce and transportation, the resolution of conflicts among users of the marine environment, and the engagement of the private sector in innovative approaches for sustainable use of living marine resources and responsible use of non-living marine resources;

“(5) the expansion of human knowledge of the marine environment including the role of the oceans in climate and global environmental change and the advancement of education and training in fields related to ocean and coastal activities;

“(6) the continued investment in and development and improvement of the capabilities, performance, use, and efficiency of technologies for use in ocean and coastal activities, including investments and technologies designed to promote national energy and food security;

“(7) close cooperation among all government agencies and departments and the private sector to ensure—

“(A) coherent and consistent regulation and management of ocean and coastal activities;

“(B) availability and appropriate allocation of Federal funding, personnel, facilities, and equipment for such activities;

“(C) cost-effective and efficient operation of Federal departments, agencies, and programs involved in ocean and coastal activities; and

“(D) enhancement of partnerships with State and local governments with respect to ocean and coastal activities, including the management of ocean and coastal resources and identification of appropriate opportunities for policy-making and decision-making at the State and local level; and

“(8) the preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

“SEC. 3. COMMISSION ON OCEAN POLICY.

“(a) ESTABLISHMENT.—There is hereby established the Commission on Ocean Policy. The Federal Advisory Committee Act (5 U.S.C. App.), except for sections 3, 7, and 12, does not apply to the Commission.

“(b) MEMBERSHIP.—

“(1) APPOINTMENT.—The Commission shall be composed of 16 members appointed by the President from among individuals described in paragraph (2) who are knowledgeable in ocean and coastal activities, including individuals representing State and local governments, ocean-related industries, academic and technical institutions, and public interest organizations involved with scientific, regulatory, economic, and environmental ocean and coastal activities. The membership of the Commission shall be balanced by area of expertise and balanced geographically to the extent consistent with maintaining the highest level of expertise on the Commission.

“(2) NOMINATIONS.—The President shall appoint the members of the Commission, within 90 days after the effective date of this Act, including individuals nominated as follows:

“(A) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation.

“(B) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Speaker of the House of Representatives in consultation with the Chairmen of the House Committees on Resources [now Natural Resources], Transportation and Infrastructure, and Science [now Science, Space, and Technology].

“(C) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation.

“(D) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the House in consultation with the Ranking Members of the House Committees on Resources [now Natural Resources], Transportation and Infrastructure, and Science [now Science, Space, and Technology].

“(3) CHAIRMAN.—The Commission shall select a Chairman from among its members. The Chairman of the Commission shall be responsible for—

“(A) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

“(B) the use and expenditure of funds available to the Commission.

“(4) VACANCIES.—Any vacancy on the Commission shall be filled in the same manner as the original incumbent was appointed.

“(c) RESOURCES.—In carrying out its functions under this section, the Commission—

“(1) is authorized to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act, and each such agency or department is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information (other than information described in section 552(b)(1)(A) of title 5, United States Code) to the Commission, upon the request of the Commission;

“(2) may enter into contracts, subject to the availability of appropriations for contracting, and employ such staff experts and consultants as may be necessary to carry out the duties of the Commission, as provided by section 3109 of title 5, United States Code; and

“(3) in consultation with the Ocean Studies Board of the National Research Council of the National Academy of Sciences, shall establish a multidisciplinary science advisory panel of experts in the sciences of living and non-living marine resources to assist the Commission in preparing its report, including ensuring that the scientific information considered by the Commission is based on the best scientific information available.

“(d) STAFFING.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary for the Commission to perform its duties. The Executive Director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5136 of title 5, United States Code. The employment and termination of an Executive Director shall be subject to confirmation by a majority of the members of the Commission.

“(e) MEETINGS.—

“(1) ADMINISTRATION.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

“(2) NOTICE; MINUTES; PUBLIC AVAILABILITY OF DOCUMENTS.—

“(A) All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

“(B) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies

of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

“(3) INITIAL MEETING.—The Commission shall hold its first meeting within 30 days after all 16 members have been appointed.

“(4) REQUIRED PUBLIC MEETINGS.—The Commission shall hold at least one public meeting in Alaska and each of the following regions of the United States:

“(A) The Northeast (including the Great Lakes).

“(B) The Southeast (including the Caribbean).

“(C) The Southwest (including Hawaii and the Pacific Territories).

“(D) The Northwest.

“(E) The Gulf of Mexico.

“(f) REPORT.—

“(1) IN GENERAL.—By June 20, 2003, the Commission shall submit to Congress and the President a final report of its findings and recommendations regarding United States ocean policy.

“(2) REQUIRED MATTER.—The final report of the Commission shall include the following assessment, reviews, and recommendations:

“(A) An assessment of existing and planned facilities associated with ocean and coastal activities including human resources, vessels, computers, satellites, and other appropriate platforms and technologies.

“(B) A review of existing and planned ocean and coastal activities of Federal entities, recommendations for changes in such activities necessary to improve efficiency and effectiveness and to reduce duplication of Federal efforts.

“(C) A review of the cumulative effect of Federal laws and regulations on United States ocean and coastal activities and resources and an examination of those laws and regulations for inconsistencies and contradictions that might adversely affect those ocean and coastal activities and resources, and recommendations for resolving such inconsistencies to the extent practicable. Such review shall also consider conflicts with State ocean and coastal management regimes.

“(D) A review of the known and anticipated supply of, and demand for, ocean and coastal resources of the United States.

“(E) A review of and recommendations concerning the relationship between Federal, State, and local governments and the private sector in planning and carrying out ocean and coastal activities.

“(F) A review of opportunities for the development of or investment in new products, technologies, or markets related to ocean and coastal activities.

“(G) A review of previous and ongoing State and Federal efforts to enhance the effectiveness and integration of ocean and coastal activities.

“(H) Recommendations for any modifications to United States laws, regulations, and the administrative structure of Executive agencies, necessary to improve the understanding, management, conservation, and use of, and access to, ocean and coastal resources.

“(I) A review of the effectiveness and adequacy of existing Federal interagency ocean policy coordination mechanisms, and recommendations for changing or improving the effectiveness of such mechanisms necessary to respond to or implement the recommendations of the Commission.

“(3) CONSIDERATION OF FACTORS.—In making its assessment and reviews and developing its recommendations, the Commission shall give equal consideration to environmental, technical feasibility, economic, and scientific factors.

“(4) LIMITATIONS.—The recommendations of the Commission shall not be specific to the lands and waters within a single State.

“(g) PUBLIC AND COASTAL STATE REVIEW.—

“(1) NOTICE.—Before submitting the final report to the Congress, the Commission shall—

“(A) publish in the Federal Register a notice that a draft report is available for public review; and

“(B) provide a copy of the draft report to the Governor of each coastal State, the Committees on Resources [now Natural Resources], Transportation and Infrastructure, and Science [now Science, Space, and Technology] of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

“(2) INCLUSION OF GOVERNORS’ COMMENTS.—The Commission shall include in the final report comments received from the Governor of a coastal State regarding recommendations in the draft report.

“(h) ADMINISTRATIVE PROCEDURE FOR REPORT AND REVIEW.—Chapter 5 and chapter 7 of title 5, United States Code, do not apply to the preparation, review, or submission of the report required by subsection (e) or the review of that report under subsection (f).

“(i) TERMINATION.—The Commission shall cease to exist 90 days after the date on which it submits its final report.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section a total of \$8,500,000 for the 3 fiscal-year period beginning with fiscal year 2001, such sums to remain available until expended.

“SEC. 4. NATIONAL OCEAN POLICY.

“(a) NATIONAL OCEAN POLICY.—Within 90 days after receiving and considering the report and recommendations of the Commission under section 3, the President shall submit to Congress a statement of proposals to implement or respond to the Commission’s recommendations for a coordinated, comprehensive, and long-range national policy for the responsible use and stewardship of ocean and coastal resources for the benefit of the United States. Nothing in this Act authorizes the President to take any administrative or regulatory action regarding ocean or coastal policy, or to implement a reorganization plan, not otherwise authorized by law in effect at the time of such action.

“(b) COOPERATION AND CONSULTATION.—In the process of developing proposals for submission under subsection (a), the President shall consult with State and local governments and non-Federal organizations and individuals involved in ocean and coastal activities.

“SEC. 5. BIENNIAL REPORT.

“[Enacted this section.]

“SEC. 6. DEFINITIONS.

“In this Act:

“(1) MARINE ENVIRONMENT.—The term ‘marine environment’ includes—

“(A) the oceans, including coastal and offshore waters;

“(B) the continental shelf; and

“(C) the Great Lakes.

“(2) OCEAN AND COASTAL RESOURCE.—The term ‘ocean and coastal resource’ means any living or non-living natural, historic, or cultural resource found in the marine environment.

“(3) COMMISSION.—The term ‘Commission’ means the Commission on Ocean Policy established by section 3.

“SEC. 7. EFFECTIVE DATE.

“This Act shall become effective on January 20, 2001.”

[Pub. L. 107-206, title I, § 206, Aug. 2, 2002, 116 Stat. 833, which directed the amendment of section (3)(f)(1) of Pub. L. 106-256, set out above, by striking “within 18 months of the establishment of the Commission” and inserting “by June 20, 2003”, was executed by striking “Within 18 months after the establishment of the Commission” and inserting “By June 20, 2003”, to reflect the probable intent of Congress.]

The following appropriations acts contained provisions similar to those in section 3(f)(1) of Pub. L. 106-256, set out above:

Pub. L. 107-77, title V, Nov. 28, 2001, 115 Stat. 792, as amended by Pub. L. 107-117, div. B, § 207, Jan. 10, 2002, 115 Stat. 2298.

Pub. L. 106-553, § 1(a)(2) [title V], Dec. 21, 2000, 114 Stat. 2762, 2762A-98.

EXECUTIVE ORDER NO. 13366

Ex. Ord. No. 13366, Dec. 17, 2004, 69 F.R. 76591, which established the Committee on Ocean Policy, was revoked by Ex. Ord. No. 13547, § 10, July 19, 2010, 75 F.R. 43027, set out below.

EX. ORD. NO. 13547. STEWARDSHIP OF THE OCEAN, OUR COASTS, AND THE GREAT LAKES

Ex. Ord. No. 13547, July 19, 2010, 75 F.R. 43023, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. Purpose. The ocean, our coasts, and the Great Lakes provide jobs, food, energy resources, ecological services, recreation, and tourism opportunities, and play critical roles in our Nation's transportation, economy, and trade, as well as the global mobility of our Armed Forces and the maintenance of international peace and security. The Deepwater Horizon oil spill in the Gulf of Mexico and resulting environmental crisis is a stark reminder of how vulnerable our marine environments are, and how much communities and the Nation rely on healthy and resilient ocean and coastal ecosystems. America's stewardship of the ocean, our coasts, and the Great Lakes is intrinsically linked to environmental sustainability, human health and well-being, national prosperity, adaptation to climate and other environmental changes, social justice, international diplomacy, and national and homeland security.

This order adopts the recommendations of the Interagency Ocean Policy Task Force, except where otherwise provided in this order, and directs executive agencies to implement those recommendations under the guidance of a National Ocean Council. Based on those recommendations, this order establishes a national policy to ensure the protection, maintenance, and restoration of the health of ocean, coastal, and Great Lakes ecosystems and resources, enhance the sustainability of ocean and coastal economies, preserve our maritime heritage, support sustainable uses and access, provide for adaptive management to enhance our understanding of and capacity to respond to climate change and ocean acidification, and coordinate with our national security and foreign policy interests.

This order also provides for the development of coastal and marine spatial plans that build upon and improve existing Federal, State, tribal, local, and regional decisionmaking and planning processes. These regional plans will enable a more integrated, comprehensive, ecosystem-based, flexible, and proactive approach to planning and managing sustainable multiple uses across sectors and improve the conservation of the ocean, our coasts, and the Great Lakes.

SEC. 2. Policy. (a) To achieve an America whose stewardship ensures that the ocean, our coasts, and the Great Lakes are healthy and resilient, safe and productive, and understood and treasured so as to promote the well-being, prosperity, and security of present and future generations, it is the policy of the United States to:

- (i) protect, maintain, and restore the health and biological diversity of ocean, coastal, and Great Lakes ecosystems and resources;
- (ii) improve the resiliency of ocean, coastal, and Great Lakes ecosystems, communities, and economies;
- (iii) bolster the conservation and sustainable uses of land in ways that will improve the health of ocean, coastal, and Great Lakes ecosystems;
- (iv) use the best available science and knowledge to inform decisions affecting the ocean, our coasts, and the Great Lakes, and enhance humanity's capacity to

understand, respond, and adapt to a changing global environment;

(v) support sustainable, safe, secure, and productive access to, and uses of the ocean, our coasts, and the Great Lakes;

(vi) respect and preserve our Nation's maritime heritage, including our social, cultural, recreational, and historical values;

(vii) exercise rights and jurisdiction and perform duties in accordance with applicable international law, including respect for and preservation of navigational rights and freedoms, which are essential for the global economy and international peace and security;

(viii) increase scientific understanding of ocean, coastal, and Great Lakes ecosystems as part of the global interconnected systems of air, land, ice, and water, including their relationships to humans and their activities;

(ix) improve our understanding and awareness of changing environmental conditions, trends, and their causes, and of human activities taking place in ocean, coastal, and Great Lakes waters; and

(x) foster a public understanding of the value of the ocean, our coasts, and the Great Lakes to build a foundation for improved stewardship.

(b) The United States shall promote this policy by:

(i) ensuring a comprehensive and collaborative framework for the stewardship of the ocean, our coasts, and the Great Lakes that facilitates cohesive actions across the Federal Government, as well as participation of State, tribal, and local authorities, regional governance structures, nongovernmental organizations, the public, and the private sector;

(ii) cooperating and exercising leadership at the international level;

(iii) pursuing the United States' accession to the Law of the Sea Convention; and

(iv) supporting ocean stewardship in a fiscally responsible manner.

SEC. 3. Definitions. As used in this order:

(a) "Final Recommendations" means the *Final Recommendations of the Interagency Ocean Policy Task Force* that shall be made publicly available and for which a notice of public availability shall be published in the Federal Register.

(b) The term "coastal and marine spatial planning" means a comprehensive, adaptive, integrated, ecosystem-based, and transparent spatial planning process, based on sound science, for analyzing current and anticipated uses of ocean, coastal, and Great Lakes areas. Coastal and marine spatial planning identifies areas most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce environmental impacts, facilitate compatible uses, and preserve critical ecosystem services to meet economic, environmental, security, and social objectives. In practical terms, coastal and marine spatial planning provides a public policy process for society to better determine how the ocean, our coasts, and Great Lakes are sustainably used and protected—now and for future generations.

(c) The term "coastal and marine spatial plans" means the plans that are certified by the National Ocean Council as developed in accordance with the definition, goals, principles, and process described in the Final Recommendations.

SEC. 4. Establishment of National Ocean Council. (a) There is hereby established the National Ocean Council (Council).

(b) The Council shall consist of the following:

(i) the Chair of the Council on Environmental Quality and the Director of the Office of Science and Technology Policy, who shall be the Co-Chairs of the Council;

(ii) the Secretaries of State, Defense, the Interior, Agriculture, Health and Human Services, Commerce, Labor, Transportation, Energy, and Homeland Security, the Attorney General, the Administrator of the Environmental Protection Agency, the Director of the Office of Management and Budget, the Under Secretary

of Commerce for Oceans and Atmosphere (Administrator of the National Oceanic and Atmospheric Administration), the Administrator of the National Aeronautics and Space Administration, the Director of National Intelligence, the Director of the National Science Foundation, and the Chairman of the Joint Chiefs of Staff;

(iii) the National Security Advisor and the Assistants to the President for Homeland Security and Counterterrorism, Domestic Policy, Energy and Climate Change, and Economic Policy;

(iv) an employee of the Federal Government designated by the Vice President; and

(v) such other officers or employees of the Federal Government as the Co-Chairs of the Council may from time to time designate.

(c) The Co-Chairs shall invite the participation of the Chairman of the Federal Energy Regulatory Commission, to the extent consistent with the Commission's statutory authorities and legal obligations, and may invite the participation of such other independent agencies as the Council deems appropriate.

(d) The Co-Chairs of the Council, in consultation with the National Security Advisor and the Assistant to the President for Homeland Security and Counterterrorism, shall regularly convene and preside at meetings of the Council, determine its agenda, direct its work, and, as appropriate to address particular subject matters, establish and direct committees of the Council that shall consist exclusively of members of the Council.

(e) A member of the Council may designate, to perform committee functions of the member, any person who is within such member's department, agency, or office and who is (i) an officer of the United States appointed by the President, (ii) a member of the Senior Executive Service or the Senior Intelligence Service, (iii) a general officer or flag officer, or (iv) an employee of the Vice President.

(f) Consistent with applicable law and subject to the availability of appropriations, the Office of Science and Technology Policy and the Council on Environmental Quality shall provide the Council with funding, including through the National Science and Technology Council or the Office of Environmental Quality. The Council on Environmental Quality shall, to the extent permitted by law and subject to the availability of appropriations, provide administrative support necessary to implement this order.

(g) The day-to-day operations of the Council shall be administered by a Director and a Deputy Director, who shall supervise a full-time staff to assist the Co-Chairs in their implementation of this order.

SEC. 5. *Functions of the Council.* (a) The Council shall have the structure and function and operate as defined in the Final Recommendations. The Council is authorized, after the Council's first year of operation, to make modifications to its structure, function, and operations to improve its effectiveness and efficiency in furthering the policy set forth in section 2 of this order.

(b) To implement the policy set forth in section 2 of this order, the Council shall provide appropriate direction to ensure that executive departments', agencies', or offices' decisions and actions affecting the ocean, our coasts, and the Great Lakes will be guided by the stewardship principles and national priority objectives set forth in the Final Recommendations, to the extent consistent with applicable law. The Council shall base its decisions on the consensus of its members. With respect to those matters in which consensus cannot be reached, the National Security Advisor shall coordinate with the Co-Chairs and, as appropriate, the Assistants to the President for Energy and Climate Change, and Economic Policy, and the employee of the United States designated by the Vice President, subject to the limitations set forth in section 9 of this order, to present the disputed issue or issues for decision by the President.

SEC. 6. *Agency Responsibilities.* (a) All executive departments, agencies, and offices that are members of

the Council and any other executive department, agency, or office whose actions affect the ocean, our coasts, and the Great Lakes shall, to the fullest extent consistent with applicable law:

(i) take such action as necessary to implement the policy set forth in section 2 of this order and the stewardship principles and national priority objectives as set forth in the Final Recommendations and subsequent guidance from the Council; and

(ii) participate in the process for coastal and marine spatial planning and comply with Council certified coastal and marine spatial plans, as described in the Final Recommendations and subsequent guidance from the Council.

(b) Each executive department, agency, and office that is required to take actions under this order shall prepare and make publicly available an annual report including a concise description of actions taken by the agency in the previous calendar year to implement the order, a description of written comments by persons or organizations regarding the agency's compliance with this order, and the agency's response to such comments.

(c) Each executive department, agency, and office that is required to take actions under this order shall coordinate and contribute resources, as appropriate, to assist in establishing a common information management system as defined in the Final Recommendations and shall be held accountable for managing its own information assets by keeping them current, easily accessible, and consistent with Federal standards.

(d) To the extent permitted by law, executive departments, agencies, and offices shall provide the Council such information, support, and assistance as the Council, through the Co-Chairs, may request.

SEC. 7. *Governance Coordinating Committee.* The Council shall establish a Governance Coordinating Committee that shall consist of 18 officials from State, tribal, and local governments in accordance with the Final Recommendations. The Committee may establish subcommittees chaired by representatives of the Governance Coordinating Committee. These subcommittees may include additional representatives from State, tribal, and local governments, as appropriate to provide for greater collaboration and diversity of views.

SEC. 8. *Regional Advisory Committees.* The lead Federal department, agency, or office for each regional planning body established for the development of regional coastal and marine spatial plans, in consultation with their nonfederal co-lead agencies and membership of their regional planning body, shall establish such advisory committees under the Federal Advisory Committee Act, 5 U.S.C. App., as they deem necessary to provide information and to advise the regional planning body on the development of regional coastal and marine spatial plans to promote the policy established in section 2 of this order.

SEC. 9. *General Provisions.* (a) Nothing in this order, the establishment of the Council, and the Final Recommendations shall be construed to impair or otherwise affect:

(i) authority granted by law to an executive department or agency or the head thereof; or

(ii) functions assigned by the President to the National Security Council or Homeland Security Council (including subordinate bodies) relating to matters affecting foreign affairs, national security, homeland security, or intelligence.

(b) Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) In carrying out the provisions of this order and implementing the Final Recommendations, all actions of the Council and the executive departments, agencies, and offices that constitute it shall be consistent with applicable international law, including customary international law, such as that reflected in the Law of the Sea Convention.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforce-

able at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

SEC. 10. *Revocation.* Executive Order 13366 of December 17, 2004, is hereby revoked.

BARACK OBAMA.

§ 857–20. Coordination

Not later than February 15 of each year, the Under Secretary of Commerce for Oceans and Atmosphere and the Director of the National Science Foundation shall jointly submit to the Committees on Resources and Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on how the oceans and coastal research activities of the National Oceanic and Atmospheric Administration, including the Coastal Ocean Program and the National Sea Grant College Program, and of the National Science Foundation will be coordinated during the fiscal year following the fiscal year in which the report is submitted. The report shall describe in detail any overlapping ocean and coastal research interests between the agencies and specify how such research interests will be pursued by the programs in a complementary manner.

(Pub. L. 107–299, § 9, Nov. 26, 2002, 116 Stat. 2348.)

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives and Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

§§ 857a, 858. Repealed. Pub. L. 107–372, title II, § 271(2), (4), Dec. 19, 2002, 116 Stat. 3094

Section 857a, acts Aug. 10, 1956, ch. 1041, § 3, 70A Stat. 619; Pub. L. 85–861, § 3, Sept. 2, 1958, 72 Stat. 1546; Pub. L. 86–160, § 2, Aug. 14, 1959, 73 Stat. 358; Pub. L. 87–233, § 4, Sept. 14, 1961, 75 Stat. 507; Pub. L. 87–649, § 9(a), Sept. 7, 1962, 76 Stat. 495; Pub. L. 88–132, § 5(k), Oct. 2, 1963, 77 Stat. 214; Pub. L. 88–431, § 1(c)(1), Aug. 14, 1964, 78 Stat. 439; Pub. L. 89–538, § 3(a), Aug. 14, 1966, 80 Stat. 348; Pub. L. 92–425, § 5, Sept. 21, 1972, 86 Stat. 713; Pub. L. 96–215, § 1, Mar. 25, 1980, 94 Stat. 123; Pub. L. 96–357, § 4, Sept. 24, 1980, 94 Stat. 1182; Pub. L. 96–513, title V, § 507(f)(1), Dec. 12, 1980, 94 Stat. 2920; Pub. L. 98–94, title X, § 1007(d), Sept. 24, 1983, 97 Stat. 662; Pub. L. 104–106, div. A, title V, § 566(a), (b), Feb. 10, 1996, 110 Stat. 327; Pub. L. 105–85, div. A, title VI, § 653(b), title X, § 1073(f), Nov. 18, 1997, 111 Stat. 1804, 1906; Pub. L. 107–107, div. A, title VI, § 653(b), Dec. 28, 2001, 115 Stat. 1153, related to applicability of certain provisions of Title 10, Armed Forces. See section 3071 of this title.

Section 858, acts May 22, 1917, ch. 20, § 16, 40 Stat. 88; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; Pub. L. 89–657, § 1(2), Oct. 14, 1966, 80 Stat. 907; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, related to rules and regulations when cooperating with military departments. See section 3063 of this title.

§ 859. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942

Section, act June 10, 1922, ch. 212, 42 Stat. 625–633, related to pay and allowances of commissioned officers.

§ 860. Repealed. Pub. L. 87–649, § 14b, Sept. 7, 1962, 76 Stat. 499

Section, act May 18, 1920, ch. 190, § 11 (words before the first semicolon), 41 Stat. 603, made pay and allowances of naval officers applicable to Coast and Geodetic Survey generally.

§ 861. Omitted

CODIFICATION

Section, acts Feb. 27, 1925, ch. 364, title III, 43 Stat. 1046; Apr. 29, 1926, ch. 195, title III, 44 Stat. 362, related to expenses of officers of the Coast and Geodetic Survey when traveling on Government owned vessels.

§ 861a. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section, act May 18, 1920, ch. 190, § 12, 41 Stat. 604, related to transportation for families of officers and enlisted men on permanent change of station.

§§ 861b, 861c. Omitted

CODIFICATION

Section 861b, act Feb. 21, 1929, ch. 288, 45 Stat. 1254, defined the terms “child” and “children” as formerly used in section 861a of this title, and has been omitted in view of the repeal of section 861a.

Section 861c, act June 24, 1935, ch. 291, § 3, 49 Stat. 421, defined the phrase “permanent change in station” as formerly used in section 861a of this title, and has been omitted in view of the repeal of section 861a.

§ 862. Repealed. Pub. L. 87–649, § 14b, Sept. 7, 1962, 76 Stat. 498

Section, acts Mar. 4, 1907, ch. 2918, § 1, 34 Stat. 1322; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; June 21, 1955, ch. 172, § 1, 69 Stat. 169; Sept. 26, 1961, Pub. L. 87–304, § 9(b), 75 Stat. 665, authorized commissioned officers of the Coast and Geodetic Survey to make assignments or allotments of their pay. See section 706 of Title 37, Pay and Allowances of the Uniformed Services.

§ 862a. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section, acts Mar. 2, 1923, ch. 178, title I, 42 Stat. 1385; Aug. 4, 1949, ch. 393, § 11, 63 Stat. 559, prohibited the issuance of heat or light in kind to any person in the Coast and Geodetic Survey while such person is receiving an allowance for rental of quarters.

§ 863. Repealed. June 21, 1955, ch. 172, § 5(4), 69 Stat. 170

Section, acts Mar. 4, 1909, ch. 299, § 1, 35 Stat. 974; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736, related to leaves of absence of officers of the Coast and Geodetic Survey on duty in the Philippine Islands.

§ 864. Repealed. Pub. L. 107–372, title II, § 271(6), Dec. 19, 2002, 116 Stat. 3094

Section, act May 18, 1920, ch. 190, § 11, 41 Stat. 603; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, provided that laws concerning retirement of commissioned Naval officers would apply to commissioned National Oceanic and Atmospheric Administration officers.

§ 864a. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section, act May 18, 1920, ch. 190, § 11 (proviso), 41 Stat. 604, related to service credits in computing longevity pay of officers of the Coast and Geodetic Survey.

§§ 864b, 864c. Repealed. June 3, 1948, ch. 390, § 22(a), formerly § 21(a), 62 Stat. 300; renumbered § 22(a), Sept. 14, 1961, Pub. L. 87-233, § 1(f), 75 Stat. 506

Section 864b, act Jan. 19, 1942, ch. 6, § 5, 56 Stat. 7, related to retirement of officers. See, sections 1401 et seq., 6321 et seq., and 6371 et seq. of Title 10, Armed Forces.

Section 864c, act Jan. 19, 1942, ch. 6, § 7, 56 Stat. 8, related to pay of officers retired upon recommendation of Personnel Board.

§ 864d. Repealed. Oct. 12, 1949, ch. 681, title V, § 531(b)(31), 63 Stat. 839, eff. Oct. 1, 1949

Section, acts Jan. 19, 1942, ch. 6, § 7, 56 Stat. 8; June 3, 1948, ch. 390, § 22(b), formerly § 21(b), 62 Stat. 300; renumbered § 22(b), Sept. 14, 1961, Pub. L. 87-233, § 1(f), 75 Stat. 506, related to rank or pay of officers retired for duty incurred disability. See sections 1201 et seq., 1371 et seq., and 1401 et seq. of Title 10, Armed Forces.

§ 864e. Repealed. Pub. L. 86-465, § 1, May 13, 1960, 74 Stat. 130

Section, acts June 6, 1942, ch. 383, 56 Stat. 328; Aug. 4, 1949, ch. 393, § 15, 63 Stat. 560; Oct. 12, 1949, ch. 681, title V, § 522(b), 63 Stat. 836, provided that certain commissioned officers of the Coast and Geodetic Survey who have been specially commended for performance of duty in actual combat prior to Dec. 31, 1946, shall, upon retirement, be placed upon the retired list one grade higher than the grade in which they were serving at the time of retirement.

EFFECTIVE DATE OF REPEAL

Section 2 of Pub. L. 86-465 provided that: "This Act [repealing this section] becomes effective on November 1, 1959."

§ 865. Omitted

CODIFICATION

Section, acts May 28, 1924, ch. 203, 43 Stat. 194; Feb. 11, 1925, ch. 209, 43 Stat. 872; May 21, 1926, ch. 355, 44 Stat. 604, related to computation of length of service of officers and expired with the appropriation acts of which it was a part.

§ 866. Repealed. Aug. 6, 1947, ch. 504, § 10(1), 61 Stat. 788

Section, act Jan. 31, 1925, ch. 121, 43 Stat. 802, related to seismological investigations. See section 883a of this title.

§§ 867, 868. Repealed. Oct. 31, 1951, ch. 654, § 1(39), (60), 65 Stat. 702, 703

Section 867, act June 5, 1920, ch. 235, § 1, 41 Stat. 930, related to transfer of instruments to institutions.

Section 868, act July 1, 1918, ch. 113, § 1, 40 Stat. 688, related to purchase of supplies or procurement of services in the field.

§ 868a. Omitted

CODIFICATION

Section, act Jan. 19, 1942, ch. 6, § 10, 56 Stat. 8; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; Oct. 14, 1966, Pub. L. 89-657, § 2, 80 Stat. 907; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, related to the purchase of commissary and quartermaster supplies by personnel from the National Oceanic and Atmospheric Administration, and has been superseded by former section 857-4 of this title and section 3074 of this title.

§ 869. Repealed. July 1, 1944, ch. 373, title XIII, § 1313 58 Stat. 714

Section, act Apr. 26, 1939, ch. 92, § 2, 53 Stat. 620, as affected by 1939 Reorg. Plan No. 1, §§ 201, 205, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424, provided for medical, dental, etc., treatment of Coast and Geodetic Survey's personnel and their families. See section 253 of Title 42, The Public Health and Welfare.

RENUMBERING OF REPEALING ACT

Section 611 of act July 1, 1944, which repealed this section, was renumbered § 711 by act Aug. 13, 1946, ch. 958, § 5, 60 Stat. 1049, § 713 by act Feb. 28, 1948, ch. 83, § 9(b), 62 Stat. 47, § 813 by act July 30, 1956, ch. 779, § 3(b), 70 Stat. 720, § 913 by Pub. L. 88-581, § 4(b), Sept. 4, 1964, 78 Stat. 919, § 1013 by Pub. L. 89-239, § 3(b), Oct. 5, 1965, 79 Stat. 931, § 1113 by Pub. L. 91-572, § 6(b), Dec. 24, 1970, 84 Stat. 1506, § 1213 by Pub. L. 92-294, § 3(b), May 16, 1972, 86 Stat. 137; § 1313 by Pub. L. 93-154, § 2(b)(2), Nov. 16, 1973, 87 Stat. 604, and was repealed by Pub. L. 93-222, § 7(b), Dec. 29, 1973, 87 Stat. 936.

§ 870. Repealed. Aug. 1, 1956, ch. 837, title V, § 502(7), 70 Stat. 886

Section, acts Jan. 19, 1942, ch. 6, § 9, 56 Stat. 8; Mar. 29, 1944, ch. 141, § 4, 58 Stat. 130; July 15, 1954, ch. 507, § 15, 68 Stat. 481, provided for payment of death gratuity to survivors of commissioned officers of Coast and Geodetic Survey.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1957, see section 603(a) of act Aug. 1, 1956.

§ 871. Repealed. Dec. 28, 1945, ch. 597, § 4, 59 Stat. 662

Section, act Oct. 27, 1943, ch. 287, § 6, 57 Stat. 583, provided for reimbursement for property lost or destroyed in service while serving with the Navy.

§ 872. Omitted

CODIFICATION

Section, Pub. L. 86-451, title I, § 301, May 13, 1960, 74 Stat. 94, which prescribed the rate of extra compensation for recorders, instrument observers and other Federal employees while making oceanographic observations or tending seismographs, was from an appropriation act. See section 873 of this title, which authorizes Secretary of Commerce to establish rates of compensation for such personnel.

§ 873. Extra compensation for instrument observers, recorders and other Federal employees for oceanographic, seismographic and magnetic observations

The Secretary of Commerce is authorized to pay extra compensation to members of crews of vessels when assigned duties as instrument observer or recorder, and to employees of other Federal agencies while observing tides or currents, or tending seismographs or magnetographs, at such rates as may be specified from time to time by him and without regard to section 5533 of title 5.

(July 22, 1947, ch. 286, § 2, 61 Stat. 400; Pub. L. 86-397, § 1, Mar. 28, 1960, 74 Stat. 11; Pub. L. 88-448, title IV, § 401(l), Aug. 19, 1964, 78 Stat. 491.)

CODIFICATION

"Section 5533 of title 5" substituted in text for "section 301 of the Dual Compensation Act [5 U.S.C. 3105]" on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80

Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1964—Pub. L. 88-448 inserted “and without regard to section 301 of the Dual Compensation Act”.

1960—Pub. L. 86-397 substituted “Secretary of Commerce” for “Coast and Geodetic Survey” and “instrument observer or recorder” for “bombers or fathometer readers,” inserted reference to employees tending magnetographs, and authorized Secretary to establish rates of compensation.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-448 effective on first day of first month which begins later than the ninetieth day following Aug. 19, 1964, see section 403 of Pub. L. 88-448.

§ 874. Repealed. Pub. L. 107-372, title II, § 271(5), Dec. 19, 2002, 116 Stat. 3094

Section, act July 22, 1947, ch. 286, § 1, 61 Stat. 400; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, related to transportation of deceased officers’ effects and reimbursement for supplies furnished distressed and shipwrecked persons. See section 3075 of this title.

§ 875. Powers of officers as notaries

In places where the National Oceanic and Atmospheric Administration is serving which are not within the jurisdiction of any one of the States of the continental United States, excluding Alaska, commanding officers of National Oceanic and Atmospheric Administration vessels, and such other officers of the National Oceanic and Atmospheric Administration as the Secretary of Commerce may designate, may exercise the general powers of the notary public in the administration of oaths for the execution, acknowledgment, and attestation of instruments and papers, and the performance of all other notarial acts. The powers conferred shall be limited to acts performed in behalf of the personnel of the National Oceanic and Atmospheric Administration or in connection with the proper execution of the functions of that agency.

(Aug. 3, 1956, ch. 932, § 1, 70 Stat. 988; Pub. L. 86-624, § 24, July 12, 1960, 74 Stat. 418; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

AMENDMENTS

1960—Pub. L. 86-624 substituted “the States of the continental United States, excluding Alaska” for “the several States”.

TRANSFER OF FUNCTIONS

Coast and Geodetic Survey consolidated with Weather Bureau to form a new agency in Department of Commerce to be known as Environmental Science Services Administration, and commissioned officers of Survey transferred to ESSA, by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out as a note under section 851 of this title. The Reorg. Plan also transferred to Secretary of Commerce all functions of Coast and Geodetic Survey and Director of Survey. Subsequently, Environmental Science Services Administration abolished, National Oceanic and Atmospheric Administration established, and Commissioned Officer Corps of ESSA redesignated Commissioned Officer Corps of NOAA by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix

to Title 5, Government Organization and Employees. For further details, see note set out under section 851 of this title.

§ 876. Fees for notarial acts; prima facie evidence of authority

No fee of any kind shall be paid to any officer for the performance of any notarial act authorized by section 875 of this title. The signature without seal together with indication of grade of any officer performing any notarial act shall be prima facie evidence of his authority.

(Aug. 3, 1956, ch. 932, § 2, 70 Stat. 988.)

§ 877. Appropriations; advances from

Advances of money from available appropriations may be made to the National Ocean Survey and by authority of the Director thereof to chiefs of parties and accounts arising under such advances shall be rendered through and by the disbursing officer of the National Ocean Survey to the Government Accountability Office as under advances made to chiefs of parties prior to July 1, 1918.

(July 1, 1918, ch. 113, § 1, 40 Stat. 688; June 5, 1920, ch. 235, § 1, 41 Stat. 929; June 10, 1921, ch. 18, title III, § 304, 42 Stat. 24; Pub. L. 92-310, title II, § 231(z), June 6, 1972, 86 Stat. 212; Pub. L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814.)

CODIFICATION

Section was a provision of the Sundry Civil Appropriation Act of July 1, 1918.

Section was formerly classified to section 550 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1972—Pub. L. 92-310 struck out provisions which required chiefs of parties to give bonds.

TRANSFER OF FUNCTIONS

Coast and Geodetic Survey consolidated with National Weather Bureau to form Environmental Science Services Administration by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318. Environmental Science Services Administration abolished and its personnel, property, records, etc., transferred to National Oceanic and Atmospheric Administration by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090. By order of Acting Associate Administrator of National Oceanic and Atmospheric Administration, 35 F.R. 19249, Dec. 19, 1970, Coast and Geodetic Survey redesignated National Ocean Survey. For further details, see note set out under section 851 of this title.

“Government Accountability Office” substituted in text for “General Accounting Office” pursuant to section 8(b) of Pub. L. 108-271, set out as a note under section 702 of Title 31, Money and Finance, which redesignated the General Accounting Office and any references thereto as the Government Accountability Office. Previously, “General Accounting Office” substituted in text for “Treasury Department” pursuant to act June 10, 1921, which transferred all powers and duties of Comptroller, six auditors, and certain other employees of Treasury to General Accounting Office. See section 701 et seq. of Title 31.

§ 878. Appropriations; purchases from

The Secretary of Commerce is authorized to purchase, from the appropriation for the Na-

tional Ocean Survey, provisions, clothing, and small stores for the enlisted men, and food supplies for field parties working in remote localities, such provisions, clothing, small stores, and food supplies to be sold to the employees of said survey and the appropriation reimbursed.

(Mar. 3, 1901, ch. 853, §1, 31 Stat. 1144; Feb. 14, 1903, ch. 552, §4, 32 Stat. 826.)

CODIFICATION

Section was a provision of the Sundry Civil Appropriation Act of Mar. 3, 1901.

Upon incorporation into the Code, the words “Secretary of Commerce” were substituted for “Secretary of the Treasury” to conform to act Feb. 14, 1903.

Section was formerly classified to section 661 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 877.

TRANSFER OF FUNCTIONS

Coast and Geodetic Survey consolidated with National Weather Bureau to form Environmental Science Services Administration by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318. Environmental Science Services Administration abolished and its personnel, property, records, etc., transferred to National Oceanic and Atmospheric Administration by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090. By order of Acting Associate Administrator of National Oceanic and Atmospheric Administration, 35 F.R. 19249, Dec. 19, 1970, Coast and Geodetic Survey redesignated National Ocean Survey. For further details, see note set out under section 851 of this title.

§ 878a. Contract for development of a major program; costs; Major Program Annual Report for satellite development program

(a) Definitions

For purposes of this section—

(1) the term “Under Secretary” means Under Secretary of Commerce for Oceans and Atmosphere;

(2) the term “appropriate congressional committees” means—

(A) the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Appropriations and the Committee on Science, Space and Technology of the House of Representatives;

(3) the term “satellite” means the satellites proposed to be acquired for the National Oceanic and Atmospheric Administration (NOAA);

(4) the term “development” means the phase of a program following the formulation phase and beginning with the approval to proceed to implementation, as defined in NOAA Administrative Order 216-108, Department of Commerce Administrative Order 208-3, and NASA’s Procedural Requirements 7120.5c, dated March 22, 2005;

(5) the term “development cost” means the total of all costs, including construction of facilities and civil servant costs, from the period beginning with the approval to proceed to implementation through the achievement of operational readiness, without regard to funding source or management control, for the life of the program;

(6) the term “life-cycle cost” means the total of the direct, indirect, recurring, and

nonrecurring costs, including the construction of facilities and civil servant costs, and other related expenses incurred or estimated to be incurred in the design, development, verification, production, operation, maintenance, support, and retirement of a program over its planned lifespan, without regard to funding source or management control;

(7) the term “major program” means an activity approved to proceed to implementation that has an estimated life-cycle cost of more than \$250,000,000; and

(8) the term “baseline” means the program as set following contract award and preliminary design review of the space and ground systems.

(b) Contract requirements for major programs

(1) NOAA shall not enter into a contract for development of a major program, unless the Under Secretary determines that—

(A) the technical, cost, and schedule risks of the program are clearly identified and the program has developed a plan to manage those risks;

(B) the technologies required for the program have been demonstrated in a relevant laboratory or test environment;

(C) the program complies with all relevant policies, regulations, and directives of NOAA and the Department of Commerce;

(D) the program has demonstrated a high likelihood of accomplishing its intended goals; and

(E) the acquisition of satellites for use in the program represents a good value to accomplishing NOAA’s mission.

(2) The Under Secretary shall transmit a report describing the basis for the determination required under paragraph (1) to the appropriate congressional committees at least 30 days before entering into a contract for development under a major program.

(3) The Under Secretary may not delegate the determination requirement under this subsection, except in cases in which the Under Secretary has a conflict of interest.

(c) Reports

(1) Annually, at the same time as the President’s annual budget submission to the Congress, the Under Secretary shall transmit to the appropriate congressional committees a report that includes the information required by this section for the satellite development program for which NOAA proposes to expend funds in the subsequent fiscal year. The report under this paragraph shall be known as the Major Program Annual Report.

(2) The first Major Program Annual Report for NOAA’s satellite development program shall include a Baseline Report that shall, at a minimum, include—

(A) the purposes of the program and key technical characteristics necessary to fulfill those purposes;

(B) an estimate of the life-cycle cost for the program, with a detailed breakout of the development cost, program reserves, and an estimate of the annual costs until development is completed;

(C) the schedule for development, including key program milestones;

(D) the plan for mitigating technical, cost, and schedule risks identified in accordance with subsection (b)(1)(A); and

(E) the name of the person responsible for making notifications under subsection (d), who shall be an individual whose primary responsibility is overseeing the program.

(3) For the major program for which a Baseline Report has been submitted, subsequent Major Program Annual Reports shall describe any changes to the information that had been provided in the Baseline Report, and the reasons for those changes.

(d) Notification to Under Secretary of excess development costs

(1) The individual identified under subsection (c)(2)(E) shall immediately notify the Under Secretary any time that individual has reasonable cause to believe that, for the major program for which he or she is responsible, the development cost of the program has exceeded the estimate provided in the Baseline Report of the program by 20 percent or more.

(2) Not later than 30 days after the notification required under paragraph (1), the individual identified under subsection (c)(2)(E) shall transmit to the Under Secretary a written notification explaining the reasons for the change in the cost of the program for which notification was provided under paragraph (1).

(3) Not later than 15 days after the Under Secretary receives a written notification under paragraph (2), the Under Secretary shall transmit the notification to the appropriate congressional committees.

(e) Determination by Under Secretary of excess development costs

Not later than 30 days after receiving a written notification under subsection (d)(2), the Under Secretary shall determine whether the development cost of the program has exceeded the estimate provided in the Baseline Report of the program by 20 percent or more. If the determination is affirmative, the Under Secretary shall—

(1) transmit to the appropriate congressional committees, not later than 15 days after making the determination, a report that includes—

(A) a description of the increase in cost and a detailed explanation for the increase;

(B) a description of actions taken or proposed to be taken in response to the cost increase; and

(C) a description of any impacts the cost increase, or the actions described under subparagraph (B), will have on any other program within NOAA; and

(2) if the Under Secretary intends to continue with the program, promptly initiate an analysis of the program, which shall include, at a minimum—

(A) the projected cost and schedule for completing the program if current requirements of the program are not modified;

(B) the projected cost and the schedule for completing the program after instituting

the actions described under paragraph (1)(B); and

(C) a description of, and the projected cost and schedule for, a broad range of alternatives to the program.

(f) Completion and transmittal of analysis

NOAA shall complete an analysis initiated under paragraph (2)¹ not later than 6 months after the Under Secretary makes a determination under this subsection.² The Under Secretary shall transmit the analysis to the appropriate congressional committees not later than 30 days after its completion.

(Pub. L. 112–55, div. B, title I, § 105, Nov. 18, 2011, 125 Stat. 599.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation act:

Pub. L. 110–161, div. B, title I, § 112, Dec. 26, 2007, 121 Stat. 1894.

§ 878b. Safety and health regulations for scientific and occupational diving

On and after March 11, 2009, the Secretary of Commerce is permitted to prescribe and enforce standards or regulations affecting safety and health in the context of scientific and occupational diving within the National Oceanic and Atmospheric Administration.

(Pub. L. 111–8, div. B, title I, § 106, Mar. 11, 2009, 123 Stat. 568.)

CODIFICATION

Section was enacted as part of the Department of Commerce Appropriations Act, 2009, which is title I of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009, which is div. B of the Omnibus Appropriations Act, 2009.

SIMILAR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation act:

Pub. L. 110–161, div. B, title I, § 110, Dec. 26, 2007, 121 Stat. 1893.

SUBCHAPTER II—SURVEYS

§§ 881 to 883. Repealed. Aug. 6, 1947, ch. 504, § 10(2)–(5), 61 Stat. 788

Section 881, R.S. § 4681, related to authority of the President to order surveys of coasts of the United States. See section 883a of this title.

Section 882, R.S. § 4682, related to additional authority to order surveys beyond twenty-league limit. See section 883a of this title.

Section 883, R.S. §§ 4683, 4684, related to mode of conducting surveys generally. See sections 883a and 883b of this title.

§ 883a. Surveys and other activities

To provide charts and related information for the safe navigation of marine and air commerce, and to provide basic data for engineering and scientific purposes and for other commercial and industrial needs, the Secretary of Commerce, is authorized to conduct the following activities:

(1) Hydrographic and topographic surveys;

¹ So in original. Probably means par. (2) of subsec. (e).

² So in original. Probably means subsec. (e).

- (2) Tide and current observations;
- (3) Geodetic-control surveys;
- (4) Field surveys for aeronautical charts;
- (5) Geomagnetic, seismological, gravity, and related geophysical measurements and investigations, and observations for the determination of variation in latitude and longitude.

(Aug. 6, 1947, ch. 504, §1, 61 Stat. 787; Pub. L. 86-409, Apr. 5, 1960, 74 Stat. 16; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318.)

AMENDMENTS

1960—Pub. L. 86-409 struck out provisions which restricted the Coast and Geodetic Survey in the conduct of its specified activities to the United States, its Territories and possessions, and which restricted hydrographic and topographic surveys to surveys of coastal water and land areas (including offlying islands, banks, shoals, and other offshore areas), and to surveys of lakes, rivers, reservoirs, and other inland waters not otherwise provided for by statute.

TRANSFER OF FUNCTIONS

Functions of Secretary and other officers of Department of Commerce under sections 883a to 883h of this title that relate to the Office of Aeronautical Charting and Cartography to provide aeronautical charts, products, and services for safe and efficient navigation of air commerce transferred to Administrator of Federal Aviation Administration effective Oct. 1, 2000, see section 4472(c)(1) of Title 49, Transportation.

Office of Director of Coast and Geodetic Survey abolished and Coast and Geodetic Survey consolidated with Weather Bureau to form a new agency in Department of Commerce to be known as Environmental Science Services Administration, by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out as a note under section 851 of this title. The Reorg. Plan also transferred to Secretary of Commerce all functions of Coast and Geodetic Survey and Director. For further details, see note set out under section 851 of this title.

GREAT LAKES MAPPING

Pub. L. 100-220, title III, subtitle B, Dec. 29, 1987, 101 Stat. 1475, as amended by Pub. L. 100-629, §3, Nov. 7, 1988, 102 Stat. 3286, provided that:

“SEC. 3201. SHORT TITLE.

“This subtitle may be cited as the ‘Great Lakes Shoreline Mapping Act of 1987’.

“SEC. 3202. GREAT LAKES SHORELINE MAPPING PLAN.

“(a) PREPARATION OF PLAN.—Not later than nine months after the date of the enactment of this subtitle [Dec. 29, 1987], the Director, in consultation with the Director of the United States Geological Survey, shall submit to the Congress a plan for preparing maps of the shoreline of the Great Lakes under section 3203.

“(b) CONTENT OF PLAN.—A plan prepared under paragraph (1) shall include—

- “(1) a work proposal and a division of responsibilities between the National Oceanic and Atmospheric Administration and the United States Geological Survey;
- “(2) a time schedule for completion of maps;
- “(3) recommendation of funding needed for preparing the maps; and
- “(4) an area mapping schedule, with first priority given to shoreline areas subject to a high risk of erosion or flooding.

“SEC. 3203. PREPARATION OF GREAT LAKES SHORELINE MAPS.

“(a) IN GENERAL.—The [sic] following completion of a shoreline mapping plan under section 3202 and subject

to authorization and appropriation of funds, the Director, in consultation with the Director of the United States Geological Survey, shall prepare maps of the shoreline areas of the Great Lakes.

“(b) CONTENT OF MAPS.—Maps prepared under this section—

“(1) shall include—

“(A) bathymetry of the nearshore area, to the extent that this area will affect coastal erosion and flooding;

“(B) topography of the adjacent shoreline, to the extent that this area will directly affect or be affected by coastal erosion and flooding;

“(C) the geological conditions of the nearshore area and shoreline to the extent that these areas will directly affect or be affected by coastal erosion and flooding;

“(D) information on the recent geological past of the nearshore area and shoreline areas described in paragraph (3); and

“(E) appropriate information for use in predicting and preventing damage caused by erosion and flooding in the Great Lakes;

“(2) shall be of appropriate scale and detail and take into account the greater informational needs of areas subject to a high risk of erosion or flooding; and

“(3) to the maximum extent practicable, shall be consistent with similar shoreline maps prepared by, or for the use of, the Government of Canada.

“(c) CONSULTATION.—In preparing maps under this section, the Director shall consult with, and take into consideration, the informational needs of—

“(1) the Army Corps of Engineers;

“(2) the Federal Emergency Management Agency;

“(3) other appropriate Federal agencies;

“(4) the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin;

“(5) appropriate local government units; and

“(6) the general public.

“(d) AVAILABILITY OF MAPS.—The Director shall make maps prepared under this section available to—

“(1) Federal agencies;

“(2) State governments;

“(3) local government units;

“(4) the Government of Canada; and

“(5) the general public.

“(e) RECOVERY OF COSTS.—The costs of reproducing and distributing maps prepared under this section may be recovered under section 9701 of title 31, United States Code, or another law.

“SEC. 3204. CONTRACT AUTHORITY.

“The Director may, subject to appropriations, enter into contracts and agreements on a reimbursable or cost-sharing basis with other Federal agencies, State governments, local governments, and private entities, to carry out this subtitle.

“SEC. 3205. DEFINITIONS.

“For purposes of this subtitle—

“(1) The term ‘Director’ means the Director of Charting and Geodetic Services of the National Ocean Service, within the National Oceanic and Atmospheric Administration.

“(2) The term ‘Great Lakes’ means Lake Erie, Lake Huron, Lake Michigan, Lake Ontario, Lake St. Clair, Lake Superior, the Saint Mary’s River, the Saint Clair River, the Detroit River, the Niagara River, the Saint Lawrence River to the Canadian border, to the extent such lakes and rivers are subject to the jurisdiction of the United States.

“(3) The term ‘high risk of erosion’ means subject to erosion at a rate greater than 1 foot per year.

“SEC. 3206. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out section 3202 not more than \$100,000 for fiscal year 1989. Amounts appropriated pursuant to this section shall remain available until expended.”

[For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.]

[For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

§ 883b. Dissemination of data; further activities

In order that full public benefit may be derived from the operations of the National Ocean Survey by the dissemination of data resulting from the activities herein authorized and of related data from other sources, the Secretary of Commerce is authorized to conduct the following activities:

- (1) Analysis and prediction of tide and current data;
- (2) Processing and publication of data, information, compilations, and reports;
- (3) Compilation and printing of nautical charts;
- (4) Distribution of nautical charts and related navigational publications.

(Aug. 6, 1947, ch. 504, § 2, 61 Stat. 787; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 106-181, title VI, § 605(a), Apr. 5, 2000, 114 Stat. 154.)

AMENDMENTS

2000—Par. (3). Pub. L. 106-181, § 605(a)(1), (2), redesignated par. (4) as (3), substituted “charts;” for “charts of the United States, its Territories, and possessions;” and struck out former par. (3) which read as follows: “Compilation and printing of aeronautical charts of the United States, its Territories, and possessions; and, in addition, the compilation and printing of such aeronautical charts covering international airways as are required primarily by United States civil aviation;”.

Par. (4). Pub. L. 106-181, § 605(a)(1), (3), redesignated par. (6) as (4) and substituted “publications” for “publications for the United States, its Territories, and possessions”. Former par. (4) redesignated (3).

Par. (5). Pub. L. 106-181, § 605(a)(1), struck out par. (5) which read as follows: “Distribution of aeronautical charts and related navigational publications required by United States civil aviation;”.

Par. (6). Pub. L. 106-181, § 605(a)(1), redesignated par. (6) as (4).

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of Title 49, Transportation.

TRANSFER OF FUNCTIONS

Office of Director of Coast and Geodetic Survey abolished and Coast and Geodetic Survey consolidated with Weather Bureau to form a new agency in Department of Commerce to be known as Environmental Science Services Administration, by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out as a note under section 851 of this title. The Reorg. Plan

also transferred to Secretary of Commerce all functions of Coast and Geodetic Survey and Director. Subsequently, Environmental Science Services Administration abolished and National Oceanic and Atmospheric Administration established by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees. By Department Organization Order 25-5A, Secretary delegated to NOAA his functions under this chapter of the Code. By order of Acting Associate Administrator of NOAA, organizational name of Coast and Geodetic Survey changed to National Ocean Survey. For further details, see note set out under section 851 of this title.

§ 883c. Geomagnetic data; collection, correlation, and dissemination

To provide for the orderly collection of geomagnetic data from domestic and foreign sources, and to assure that such data shall be readily available to Government and private agencies and individuals, the National Ocean Survey is designated as the central depository of the United States Government for geomagnetic data, and the Secretary of Commerce is authorized to collect, correlate, and disseminate such data.

(Aug. 6, 1947, ch. 504, § 3, 61 Stat. 787; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Office of Director of Coast and Geodetic Survey abolished and Coast and Geodetic Survey consolidated with Weather Bureau to form a new agency in Department of Commerce to be known as Environmental Science Services Administration, by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out as a note under section 851 of this title. The Reorg. Plan also transferred to Secretary of Commerce all functions of Coast and Geodetic Survey and Director. Subsequently, Environmental Science Services Administration abolished and National Oceanic and Atmospheric Administration established by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees. By Department Organization Order 25-5A, Secretary delegated to NOAA his functions under this chapter of the Code. By order of Acting Associate Administrator of NOAA, organizational name of Coast and Geodetic Survey changed to National Ocean Survey. For further details, see note set out under section 851 of this title.

§ 883d. Improvement of methods, instruments, and equipments; investigations and research

To improve the efficiency of the National Ocean Survey and to increase engineering and scientific knowledge, the Secretary of Commerce is authorized to conduct developmental work for the improvement of surveying and cartographic methods, instruments, and equipments; and to conduct investigations and research in geophysical sciences (including geodesy, oceanography, seismology, and geomagnetism).

(Aug. 6, 1947, ch. 504, § 4, 61 Stat. 788; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Office of Director of Coast and Geodetic Survey abolished and Coast and Geodetic Survey consolidated with

Weather Bureau to form a new agency in Department of Commerce to be known as Environmental Science Services Administration, by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out as a note under section 851 of this title. The Reorg. Plan also transferred to Secretary of Commerce all functions of Coast and Geodetic Survey and Director. Subsequently, Environmental Science Services Administration abolished and National Oceanic and Atmospheric Administration established by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees. By Department Organization Order 25-5A, Secretary delegated to NOAA his functions under this chapter of the Code. By order of Acting Associate Administrator of NOAA, organizational name of Coast and Geodetic Survey changed to National Ocean Survey. For further details, see note set out under section 851 of this title.

§ 883e. Agreements for surveys and investigations; contribution of costs incurred by National Oceanic and Atmospheric Administration

(1) The Secretary of Commerce is authorized to enter into cooperative agreements, or any other agreements, with, and to receive and expend funds made available by, any State or subdivision thereof, any Federal agency, or any public or private organization, or individual, for surveys or investigations authorized herein, or for performing related surveying and mapping activities, including special-purpose maps, and for the preparation and publication of the results thereof.

(2) The Secretary of Commerce is authorized to establish the terms of any agreement entered into under this section, including the amount of funds to be received, and may contribute that portion of the costs incurred by the National Oceanic and Atmospheric Administration, including shiptime and personnel expenses, which the Secretary determines represents the amount of benefits derived by the Administration from the agreement.

(Aug. 6, 1947, ch. 504, § 5, 61 Stat. 788; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; Pub. L. 99-272, title VI, § 6085, Apr. 7, 1986, 100 Stat. 138; Pub. L. 106-181, title VI, § 605(b), Apr. 5, 2000, 114 Stat. 154.)

AMENDMENTS

2000—Par. (1). Pub. L. 106-181, § 605(b)(1), substituted “cooperative agreements, or any other agreements,” for “cooperative agreements”.

Par. (2). Pub. L. 106-181, § 605(b)(2), which directed the striking of “cooperative”, was executed by striking “cooperative” before “agreement” in two places, to reflect the probable intent of Congress.

1986—Pub. L. 99-272 designated existing provisions as par. (1), inserted “any Federal agency,” after “or subdivision thereof,” and added par. (2).

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of Title 49, Transportation.

TRANSFER OF FUNCTIONS

Office of Director of Coast and Geodetic Survey abolished and Coast and Geodetic Survey consolidated with Weather Bureau to form a new agency in Department of Commerce to be known as Environmental Science

Services Administration, by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out as a note under section 851 of this title. The Reorg. Plan also transferred to Secretary of Commerce all functions of Coast and Geodetic Survey and Director. For further details, see note set out under section 851 of this title.

§ 883f. Contracts with qualified organizations

The Secretary of Commerce is authorized to contract with qualified organizations for the performance of any part of the authorized functions of the National Ocean Survey when he deems such procedure to be in the public interests.

(Aug. 6, 1947, ch. 504, § 6, 61 Stat. 788; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Office of Director of Coast and Geodetic Survey abolished and Coast and Geodetic Survey consolidated with Weather Bureau to form a new agency in Department of Commerce to be known as Environmental Science Services Administration, by Reorg. Plan No. 2, of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out as a note under section 851 of this title. The Reorg. Plan also transferred to Secretary of Commerce all functions of Coast and Geodetic Survey and Director. Subsequently, Environmental Science Services Administration abolished and National Oceanic and Atmospheric Administration established by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees. By Department Organization Order 25-5A, Secretary delegated to NOAA his functions under this chapter of the Code. By order of Acting Associate Administrator of NOAA, organizational name of Coast and Geodetic Survey changed to National Ocean Survey. For further details, see note set out under section 851 of this title.

§ 883g. Repealed. Pub. L. 88-611, § 4(a)(2), Oct. 2, 1964, 78 Stat. 991

Section, act Aug. 6, 1947, ch. 504, § 7, 61 Stat. 788, provided for acceptance of gifts or bequests and exemption from Federal taxes. See sections 1522 and 1523 of Title 15, Commerce and Trade.

§ 883h. Employment of public vessels

The President is authorized to cause to be employed such of the public vessels as he deems it expedient to employ, and to give such instructions for regulating their conduct as he deems proper in order to carry out the provisions of this subchapter.

(Aug. 6, 1947, ch. 504, § 8, 61 Stat. 788.)

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of Commerce, see section 1(i) of Ex. Ord. No. 11023, May 28, 1962, 27 F.R. 5131, as amended, set out as a note under section 301 of Title 3, The President.

§ 883i. Authorization of appropriations

There are authorized to be appropriated such funds as may be necessary to acquire, construct, maintain, and operate ships, stations, equipment, and facilities and for such other expenditures, including personal services at the seat of government and elsewhere and including the erection of temporary observatory buildings and

lease of sites therefor, as may be necessary for the conduct of the activities herein authorized. (Aug. 6, 1947, ch. 504, § 9, 61 Stat. 788.)

REFERENCES IN TEXT

Herein, referred to in text, means act Aug. 6, 1947, ch. 504, 61 Stat. 787, as amended, which is classified generally to this subchapter (§883a et seq.). For complete classification of this Act to the Code, see Tables.

§ 883j. Ocean satellite data

The Administrator of the National Oceanic and Atmospheric Administration (hereinafter referred to in this subtitle¹ as the “Administration”) shall take such actions, including the sponsorship of applied research, as may be necessary to assure the future availability and usefulness of ocean satellite data to the maritime community.

(Pub. L. 99–272, title VI, §6082, Apr. 7, 1986, 100 Stat. 135.)

REFERENCES IN TEXT

This subtitle, referred to in text, is subtitle H (§§6081–6085) of title VI of Pub. L. 99–272, Apr. 7, 1986, 100 Stat. 135, which enacted this section and section 1530 of Title 15, Commerce and Trade, amended section 883e of this title and sections 330e, 2903 and 2904 of Title 15, and repealed section 2905 of Title 15. For complete classification of this subtitle to the Code, see Tables.

TRANSFER OF FUNCTIONS

Functions of Secretary and other officers of Department of Commerce under this section that relate to the Office of Aeronautical Charting and Cartography to provide aeronautical charts, products, and services for safe and efficient navigation of air commerce transferred to Administrator of Federal Aviation Administration effective Oct. 1, 2000, see section 44721(c)(2) of Title 49, Transportation.

REPORT ON SATELLITE OCEANOGRAPHY

Pub. L. 102–567, title I, §116, Oct. 29, 1992, 106 Stat. 4279, provided that:

“(a) IN GENERAL.—The Federal Coordinating Council for Science, Engineering, and Technology through the Committee on Earth and Environmental Sciences, in consultation with Federal, academic, and commercial users of remotely sensed data, shall consider and develop findings and recommendations regarding—

“(1) the most urgent current needs of oceanographic researchers within the Federal Government, the academic community, and the private sector, for remote sensing capabilities and remotely sensed data, including findings regarding the present inadequacies in these capabilities and data; and

“(2) the major goals of satellite oceanography for the next 10 years.

“(b) REPORT.—Not later than one year after the date of enactment of this Act [Oct. 29, 1992], the Federal Coordinating Council for Science, Engineering, and Technology shall submit to the Congress a report which describes the findings and recommendations of the Committee on Earth and Environmental Sciences, including recommendations for, or a description of actions to be taken toward—

“(1) correcting the inadequacies in remote sensing capabilities;

“(2) improving the availability of remotely sensed data; and

“(3) achieving the major goals of satellite oceanography developed pursuant to subsection (a)(2).”

¹ See References in Text note below.

§ 883k. Acquisition of land for facilities

For fiscal year 1990 and hereafter funds appropriated under this heading shall be available for acquisition of land for facilities.

(Pub. L. 101–162, title I, Nov. 21, 1989, 103 Stat. 992.)

REFERENCES IN TEXT

Funds appropriated under this heading, referred to in text, refers to funds appropriated under the headings “NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION” and “OPERATIONS, RESEARCH, AND FACILITIES” of title I, “Department of Commerce”, of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990, Pub. L. 101–162.

§ 883l. Contracts for surveying and mapping services

On and after February 20, 2003, the Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949.¹

(Pub. L. 108–7, div. B, title II, §206, Feb. 20, 2003, 117 Stat. 77.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377. Title IX of the Act, which was classified generally to subchapter VI (§541 et seq.) of chapter 10 of former Title 40, Public Buildings, Property, and Works, was repealed and reenacted by Pub. L. 107–217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as chapter 11 (§1101 et seq.) of Title 40, Public Buildings, Property, and Works. For disposition of sections of former Title 40 to revised Title 40, see Table preceding section 101 of Title 40. For complete classification of this Act to the Code, see Tables.

PRIOR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 107–77, title II, § 206, Nov. 28, 2001, 115 Stat. 778.

Pub. L. 106–553, §1(a)(2) [title II, §207], Dec. 21, 2000, 114 Stat. 2762, 2762A–79.

Pub. L. 106–113, div. B, §1000(a)(1) [title II, §208], Nov. 29, 1999, 113 Stat. 1535, 1501A–32.

Pub. L. 105–277, div. A, §101(b) [title II, §208], Oct. 21, 1998, 112 Stat. 2681–50, 2681–87.

Pub. L. 105–119, title II, §208, Nov. 26, 1997, 111 Stat. 2480.

Pub. L. 104–208, div. A, title I, §101(a) [title II, §209], Sept. 30, 1996, 110 Stat. 3009, 3009–41.

Pub. L. 104–134, title I, §101(a) [title II, §212], Apr. 26, 1996, 110 Stat. 1321, 1321–32.

§ 884. Power to use books, maps, etc., and to employ persons

The President is authorized, in executing the provisions of title 56 of the Revised Statutes relating to the coast survey, to use all maps, charts, books, instruments, and apparatus belonging to the United States, and to direct where the same shall be deposited, and to employ all persons in the land or naval service of the United States, and such astronomers and other persons as he shall deem proper.

(R.S. §4685.)

¹ See References in Text note below.

REFERENCES IN TEXT

Title 56 of the Revised Statutes, referred to in text, was in the original “this Title”, meaning title 56 of the Revised Statutes, consisting of R.S. §§ 4681 to 4691 of the Revised Statutes, which are classified to sections 881 to 883 and 884 to 888 of this title. For complete classification of R.S. §§ 4681 to 4691 to the Code, see Tables.

CODIFICATION

Section was not enacted as part of act Aug. 6, 1947, ch. 504, 61 Stat. 787, which comprises this subchapter.

R.S. § 4685 derived from act July 10, 1832, ch. 191, § 2, 4 Stat. 571.

§ 885. Repealed. Aug. 6, 1947, ch. 504, § 10(6), 61 Stat. 788

Section, R.S. § 4686, related to use of public vessels on coast surveys. See section 883h of this title.

§§ 886, 887. Repealed. June 21, 1955, ch. 172, § 5(1), (2), 69 Stat. 170

Section 886, R.S. § 4687, related to employment of officers of Army and Navy in the work of surveying the coast of the United States.

Section 887, R.S. § 4688; acts Aug. 30, 1890, ch. 837, § 1, 26 Stat. 382; June 5, 1920, ch. 235, § 1, 41 Stat. 929, provided for allowance for subsistence to officers of Army and Navy while employed on coast survey service.

ADDITIONAL REPEAL

Sections were also repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641. Section 49(a) of act Aug. 10, 1956, provided in part that laws effective after Mar. 31, 1955, inconsistent with that act, should be considered as superseding it to the extent of the inconsistency.

§ 888. Omitted

CODIFICATION

Section, R.S. §§ 264, 4690; acts Feb. 14, 1903, ch. 552, §§ 4, 10, 32 Stat. 826, 829; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; June 5, 1920, ch. 235, § 1, 41 Stat. 929, relating to an annual statement on coast surveys by the Coast and Geodetic Survey [now the National Ocean Survey], was partially repealed by acts May 29, 1928, ch. 901, § 1(104), 45 Stat. 994; Aug. 7, 1946, ch. 770, § 1(5), 60 Stat. 866; and Aug. 30, 1954, ch. 1076, § 1(13), 68 Stat. 967.

§§ 889, 890. Repealed. June 21, 1955, ch. 172, § 5(5), 69 Stat. 170

Section 889, acts Mar. 4, 1909, ch. 313, § 1, 35 Stat. 1064; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736, authorized cooperation with North Carolina State Fish Commission in survey of waters of State.

Section 890, acts Mar. 4, 1909, ch. 313, § 2, 35 Stat. 1065; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736, provided for marking triangulation points of North Carolina survey.

**SUBCHAPTER III—NOAA FLEET
MODERNIZATION**

§ 891. Definitions

In this subchapter, the term—

(1) “NOAA” means the National Oceanic and Atmospheric Administration within the Department of Commerce.

(2) “NOAA fleet” means the fleet of research vessels owned or operated by NOAA.

(3) “Plan” means the NOAA Fleet Replacement and Modernization Plan described in section 891b of this title.

(4) “Secretary” means the Secretary of Commerce.

(5) “UNOLS” means University-National Oceanographic Laboratory System.

(Pub. L. 102-567, title VI, § 602, Oct. 29, 1992, 106 Stat. 4299.)

SHORT TITLE

For short title of this subchapter as the “NOAA Fleet Modernization Act”, see section 601 of Pub. L. 102-567, set out as a Short Title of 1992 Amendment note under section 851 of this title.

§ 891a. Fleet replacement and modernization program

The Secretary is authorized to implement, subject to the requirements of this subchapter, a 15-year program to replace and modernize the NOAA fleet.

(Pub. L. 102-567, title VI, § 603, Oct. 29, 1992, 106 Stat. 4300.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this Act”, and was translated as reading “this title”, meaning title VI of Pub. L. 102-567, which enacted this subchapter, to reflect the probable intent of Congress.

§ 891b. Fleet replacement and modernization Plan

(a) In general

To carry out the program authorized in section 891a of this title, the Secretary shall develop and submit to Congress a replacement and modernization Plan for the NOAA fleet covering the years authorized under section 891h of this title.

(b) Timing

The Plan required in subsection (a) of this section shall be submitted to Congress within 30 days of October 29, 1992, and updated on an annual basis.

(c) Plan elements

The Plan required in subsection (a) of this section shall include the following—

(1) the number of vessels proposed to be modernized or replaced, the schedule for their modernization or replacement, and anticipated funding requirements;

(2) the number of vessels proposed to be constructed, leased, or chartered;

(3) the number of vessels, or days at sea, that can be obtained by using the vessels of the UNOLS;

(4) the number of vessels that will be made available to NOAA by the Secretary of the Navy, or any other federal¹ official, and the terms and conditions for their availability;

(5) the proposed acquisition of modern scientific instrumentation for the NOAA fleet, including acoustic systems, data transmission positioning and communication systems, physical, chemical, and meteorological oceanographic systems, and data acquisition and processing systems; and

(6) the appropriate role of the NOAA Corps in operating and maintaining the NOAA fleet.

(d) Contracting limitation

The Secretary may not enter into any contract for the construction, lease, or service life

¹ So in original. Probably should be capitalized.

extension of a vessel of the NOAA fleet before the date of the submission to Congress of the Plan required in subsection (a) of this section.

(Pub. L. 102-567, title VI, § 604, Oct. 29, 1992, 106 Stat. 4300.)

FISHERY SURVEY VESSEL ACQUISITION

Pub. L. 106-450, title III, Nov. 7, 2000, 114 Stat. 1945, provided that:

“SEC. 301. SHORT TITLE.

“This title may be cited as the ‘Fisheries Survey Vessel Authorization Act of 2000’.

“SEC. 302. ACQUISITION OF FISHERY SURVEY VESSELS.

“(a) IN GENERAL.—The Secretary, subject to the availability of appropriations, may in accordance with this section acquire, by purchase, lease, lease-purchase, or charter, and equip up to six fishery survey vessels in accordance with this section.

“(b) VESSEL REQUIREMENTS.—Any vessel acquired and equipped under this section must—

“(1) be capable of—

“(A) staying at sea continuously for at least 30 days;

“(B) conducting fishery population surveys using hydroacoustic, longlining, deep water, and pelagic trawls, and other necessary survey techniques; and

“(C) conducting other work necessary to provide fishery managers with the accurate and timely data needed to prepare and implement fishery management plans; and

“(2) have a hull that meets the International Council for Exploration of the Sea standard regarding acoustic quietness.

“(c) AUTHORIZATION.—To carry out this section there are authorized to be appropriated to the Secretary \$60,000,000 for each of fiscal years 2002 and 2003.”

DEACTIVATION OF NOAA RESEARCH VESSELS

Pub. L. 102-567, title IV, § 401(b)(4), Oct. 29, 1992, 106 Stat. 4291, provided that:

“(A) Unless necessary for safety reasons, the Secretary of Commerce shall not deactivate the ALBATROSS IV (if active), until an equivalent replacement vessel is operational.

“(B) The Secretary of Commerce shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries [now Committee on Science, Space, and Technology] of the House of Representatives 60 days prior to the proposed deactivation of any other research vessel of the National Oceanic and Atmospheric Administration, if an equivalent replacement vessel will not become operational at the time of deactivation.”

§ 891c. Design of NOAA vessels

(a) Design requirement

Except for the vessel designs identified under subsection (b) of this section, the Secretary, working through the Office of the NOAA Corps Operations and the Systems Procurement Office, shall—

(1) prepare requirements for each class of vessel to be constructed or converted under the Plan; and

(2) contract competitively from nongovernmental entities with expertise in shipbuilding for vessel design and construction based on the requirements for each class of vessel to be acquired.

(b) Exception

The Secretary shall—

(1) report to Congress identifying any existing vessel design or design proposal that meets the requirements of the Plan within 30 days after October 29, 1992, and shall promptly advise the Congress of any modification of these designs; and

(2) submit to Congress as part of the annual update of the Plan required in section 891b of this title, any subsequent existing vessel design or design proposals that meet the requirements of the Plan.

(Pub. L. 102-567, title VI, § 605, Oct. 29, 1992, 106 Stat. 4300.)

§ 891d. Contract authority

(a) Multiyear contracts

(1) In general

Subject to paragraphs (2) and (3), and notwithstanding section 1341 of title 31 and subsections (a) and (b) of section 6301 of title 41, the Secretary may acquire vessels for the NOAA fleet by purchase, lease, lease-purchase, or otherwise, under one or more multiyear contracts.

(2) Required findings

The Secretary may not enter into a contract pursuant to this subsection unless the Secretary finds with respect to that contract that—

(A) there is a reasonable expectation that throughout the contemplated contract period the Secretary will request from Congress funding for the contract at the level required to avoid contract termination; and

(B) the use of the contract will promote the best interests of the United States by encouraging competition and promoting economic efficiency in the operation of the NOAA fleet.

(3) Required contract provisions

The Secretary may not enter into a contract pursuant to this subsection unless the contract includes—

(A) a provision under which the obligation of the United States to make payments under the contract for any fiscal year is subject to the availability of appropriations provided in advance for those payments;

(B) a provision that specifies the term of effectiveness of the contract; and

(C) appropriate provisions under which, in case of any termination of the contract before the end of the term specified pursuant to subparagraph (B), the United States shall only be liable for the lesser of—

(i) an amount specified in the contract for such a termination; or

(ii) amounts that—

(I) were appropriated before the date of the termination for the performance of the contract or for procurement of the type of acquisition covered by the contract; and

(II) are unobligated on the date of the termination.

(b) Service contracts

Notwithstanding any other provision of law, the Secretary may enter into multiyear con-

tracts for oceanographic research, fisheries research, and mapping and charting services to assist the Secretary in fulfilling NOAA missions. The Secretary may only enter into these contracts if—

- (1) the Secretary finds that it is in the public interest to do so;
- (2) the contract is for not more than 7 years; and
- (3)(A) the cost of the contract is less than the cost (including the cost of operation, maintenance, and personnel) to the NOAA of obtaining those services on NOAA vessels; or
- (B) NOAA vessels are not available or cannot provide those services.

(c) Bonding authority

Notwithstanding any other law, the Secretary may not require a contractor for the construction, alteration, repair or maintenance of a NOAA vessel to provide a bid bond, payment bond, performance bond, completion bond, or other surety instrument in an amount greater than 20 percent of the value of the base contract quantity (excluding options) unless the Secretary determines that requiring an instrument in that amount will not prevent a responsible bidder or offeror from competing for the award of the contract.

(Pub. L. 102-567, title VI, § 606, Oct. 29, 1992, 106 Stat. 4301.)

CODIFICATION

In subsec. (a)(1), “subsections (a) and (b) of section 6301 of title 41” substituted for “section 3732 of the Revised Statutes of the United States (41 U.S.C. 11)” on authority of Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

§ 891e. Restriction with respect to certain shipyard subsidies

(a) In general

The Secretary of Commerce may not award a contract for the construction, repair (except emergency repairs), or alteration of any vessel of the National Oceanic and Atmospheric Administration in a shipyard, if that vessel benefits or would benefit from significant subsidies for the construction, repair, or alteration of vessels in that shipyard.

(b) “Significant subsidy” defined

In this section, the term “significant subsidy” includes, but is not limited to, any of the following:

- (1) Officially supported export credits.
- (2) Direct official operating support to the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including but not limited to—
 - (A) grants;
 - (B) loans and loan guarantees other than those available on the commercial market;
 - (C) forgiveness of debt;
 - (D) equity infusions on terms inconsistent with commercially reasonable investment practices; and
 - (E) preferential provision of goods and services.
- (3) Direct official support for investment in the commercial shipbuilding and repair indus-

try, or to a related entity that favors the operation of shipbuilding and repair, including but not limited to the kinds of support listed in paragraph (2)(A) through (E), and any restructuring support, except public support for social purposes directly and effectively linked to shipyard closures.

(4) Assistance in the form of grants, preferential loans, preferential tax treatment, or otherwise, that benefits or is directly related to shipbuilding and repair for purposes of research and development that is not equally open to domestic and foreign enterprises.

(5) Tax policies and practices that favor the shipbuilding and repair industry, directly or indirectly, such as tax credits, deductions, exemptions, and preferences, including accelerated depreciation, if such benefits are not generally available to persons or firms not engaged in shipbuilding or repair.

(6) Any official regulation or practice that authorizes or encourages persons or firms engaged in shipbuilding or repair to enter into anticompetitive arrangements.

(7) Any indirect support directly related, in law or in fact, to shipbuilding and repair at national yards, including any public assistance favoring shipowners with an indirect effect on shipbuilding or repair activities, and any assistance provided to suppliers of significant inputs to shipbuilding, which results in benefits to domestic shipbuilders.

(8) Any export subsidy identified in the Illustrative List of Export Subsidies in the Annex to the Agreement on Subsidies and Countervailing Measures referred to in section 3511(d)(12) of title 19, or any other export subsidy prohibited by that agreement.

(Pub. L. 102-567, title VI, § 607, Oct. 29, 1992, 106 Stat. 4302; Pub. L. 106-36, title I, § 1002(f), June 25, 1999, 113 Stat. 133.)

AMENDMENTS

1999—Subsec. (b)(8). Pub. L. 106-36 substituted “Agreement on Subsidies and Countervailing Measures referred to in section 3511(d)(12) of title 19, or any other export subsidy prohibited by that agreement” for “Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade or any other export subsidy that may be prohibited as a result of the Uruguay Round of trade negotiations.”

FISHERIES RESEARCH VESSEL PROCUREMENT

Pub. L. 106-450, title IV, § 401, Nov. 7, 2000, 114 Stat. 1945, provided that: “Notwithstanding section 644 of title 15, United States Code, and section 19.502-2 of title 48, Code of Federal Regulations, the Secretary of Commerce shall seek to procure Fisheries Research Vessels through full and open competition from responsible United States shipbuilding companies irrespective of size.”

§ 891e-1. Shipyards located outside of the United States

On and after December 26, 2007, none of the funds made available in this Act or any other Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

(Pub. L. 110–161, div. B, title V, §506, Dec. 26, 2007, 121 Stat. 1925.)

REFERENCES IN TEXT

This Act, referred to in text, is div. B of Pub. L. 110–161, Dec. 26, 2007, 121 Stat. 1884, known as the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008, and also as part of the Consolidated Appropriations Act, 2008, and not as part of the NOAA Fleet Modernization Act which comprises this subchapter.

§ 891f. Use of vessels

(a) Vessel agreements

In implementing the NOAA fleet replacement and modernization program, the Secretary shall use excess capacity of UNOLS vessels where appropriate and may enter into memoranda of agreement with the operators of these vessels to carry out this requirement.

(b) Report to Congress

Within one year after October 29, 1992, the Comptroller General of the United States shall provide a report to Congress, in consultation with the Secretary, comparing the cost-efficiency, accounting, and operating practices of the vessels of NOAA, UNOLS, other Federal agencies, and the United States private sector in meeting the missions of NOAA.

(Pub. L. 102–567, title VI, §608, Oct. 29, 1992, 106 Stat. 4303.)

§ 891g. Interoperability

The Secretary shall consult with the Oceanographer of the Navy regarding appropriate measures that should be taken, on a reimbursable basis, to ensure that NOAA vessels are interoperable with vessels of the Department of the Navy, including with respect to operation, maintenance, and repair of those vessels.

(Pub. L. 102–567, title VI, §609, Oct. 29, 1992, 106 Stat. 4303.)

INTEROPERABILITY OF VESSELS

Section 401(b)(5) of Pub. L. 102–567 provided that: “The Secretary of Commerce shall consult with the Oceanographer of the Navy regarding appropriate cost effective and practical measures to allow vessels of the National Oceanic and Atmospheric Administration to be interoperable with vessels of the Department of the Navy, including with respect to operation, maintenance, and repair of those vessels.”

§ 891h. Authorization of appropriations

(a) In general

There are authorized to be appropriated to the Secretary for carrying out this subchapter—

- (1) \$50,000,000 for fiscal year 1993;
- (2) \$100,000,000 for fiscal year 1994; and
- (3) such sums as are necessary for each of the fiscal years 1995, 1996, and 1997.

(b) Limitation on fleet modernization activities

All National Oceanic and Atmospheric Administration fleet modernization shipbuilding, and

conversion shall be conducted in accordance with this subchapter.

(Pub. L. 102–567, title VI, §610, Oct. 29, 1992, 106 Stat. 4303.)

SUBCHAPTER IV—NOAA HYDROGRAPHIC SERVICES

§ 892. Definitions

In this subchapter:

(1) Administrator

The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) Administration

The term “Administration” means the National Oceanic and Atmospheric Administration.

(3) Hydrographic data

The term “hydrographic data” means information that—

(A) is acquired through—

- (i) hydrographic, bathymetric, photogrammetric, lidar, radar, remote sensing, or shoreline and other ocean- and coastal-related surveying;
- (ii) geodetic, geospatial, or geomagnetic measurements;
- (iii) tide, water level, and current observations; or
- (iv) other methods; and

(B) is used in providing hydrographic services.

(4) Hydrographic services

The term “hydrographic services” means—

(A) the management, maintenance, interpretation, certification, and dissemination of bathymetric, hydrographic, shoreline, geodetic, geospatial, geomagnetic, and tide, water level, and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data;

(B) the development of nautical information systems; and

(C) related activities.

(5) Coast and Geodetic Survey Act

The term “Coast and Geodetic Survey Act” means the Act entitled “An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes”, approved August 6, 1947 (33 U.S.C. 883a et seq.).

(Pub. L. 105–384, title III, §302, Nov. 13, 1998, 112 Stat. 3454; Pub. L. 107–372, title I, §102, Dec. 19, 2002, 116 Stat. 3079; Pub. L. 110–386, §2, Oct. 10, 2008, 122 Stat. 4106.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title III of Pub. L. 105–384, Nov. 13, 1998, 112 Stat. 3454, which is classified principally to this subchapter. For complete classification of this title to the Code, see Short Title of 1998 Amendment note set out under section 851 of this title and Tables.

Act of August 6, 1947, referred to in par. (5), is act Aug. 6, 1947, ch. 504, 61 Stat. 787, as amended, which is

classified generally to subchapter II of this chapter. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2008—Pars. (3) to (5). Pub. L. 110-386, which directed the amendment of section “303 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892)” by adding pars. (3) to (5) and striking out former pars. (3) to (5), was executed to this section, which is section 302 of the Hydrographic Services Improvement Act of 1998, to reflect the probable intent of Congress. Prior to amendment, pars. (3) to (5) defined the terms “hydrographic data”, “hydrographic services”, and “Act of 1947”, respectively.

2002—Par. (3). Pub. L. 107-372, §102(1), inserted “, geospatial, or geomagnetic” after “geodetic”.

Par. (4). Pub. L. 107-372, §102(2), inserted “geospatial, geomagnetic,” after “geodetic,”.

SHORT TITLE

For short title of this subchapter as the “Hydrographic Services Improvement Act of 1998”, see section 301 of Pub. L. 105-384, set out as a Short Title of 1998 Amendment note under section 851 of this title.

§ 892a. Functions of the Administrator

(a) Responsibilities

To fulfill the data gathering and dissemination duties of the Administration under the Coast and Geodetic Survey Act, promote safe, efficient and environmentally sound marine transportation, and otherwise fulfill the purposes of this subchapter, the Administrator shall—

- (1) acquire and disseminate hydrographic data and provide hydrographic services;
- (2) promulgate standards for hydrographic data used by the Administration in providing hydrographic services;
- (3) promulgate standards for hydrographic services provided by the Administration;
- (4) ensure comprehensive geographic coverage of hydrographic services, in cooperation with other appropriate Federal agencies;
- (5) maintain a national database of hydrographic data, in cooperation with other appropriate Federal agencies;
- (6) provide hydrographic services in uniform, easily accessible formats;
- (7) participate in the development of, and implement for the United States in cooperation with other appropriate Federal agencies, international standards for hydrographic data and hydrographic services; and
- (8) to the greatest extent practicable and cost-effective, fulfill the requirements of paragraphs (1) and (6) through contracts or other agreements with private sector entities.

(b) Authorities

To fulfill the data gathering and dissemination duties of the Administration under the Coast and Geodetic Survey Act, promote safe, efficient, and environmentally sound marine transportation, and otherwise fulfill the purposes of this subchapter, subject to the availability of appropriations, the Administrator—

- (1) may procure, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to ensure safe navigation and maintain operational expertise in hydrographic data acquisition and hydrographic services;

(2) shall, subject to the availability of appropriations, design, install, maintain, and operate real-time hydrographic monitoring systems to enhance navigation safety and efficiency; and¹

(3) where appropriate and to the extent that it does not detract from the promotion of safe and efficient navigation, may acquire hydrographic data and provide hydrographic services to support the conservation and management of coastal and ocean resources;

(4) where appropriate, may acquire hydrographic data and provide hydrographic services to save and protect life and property and support the resumption of commerce in response to emergencies, natural and man-made disasters, and homeland security and maritime domain awareness needs, including obtaining mission assignments (as defined in section 741 of title 6);

(5) may create, support, and maintain such joint centers with other Federal agencies and other entities as the Administrator deems appropriate or necessary to carry out the purposes of this subchapter; and

(6) notwithstanding the existence of such joint centers, shall award contracts for the acquisition of hydrographic data in accordance with subchapter VI of chapter 10 of title 40.²

(c) Conservation and management of coastal and ocean resources

Where appropriate and to the extent that it does not detract from the promotion of safe and efficient navigation, the Secretary may use hydrographic data and services to support the conservation and management of coastal and ocean resources.

(Pub. L. 105-384, title III, §303, Nov. 13, 1998, 112 Stat. 3454; Pub. L. 107-372, title I, §103, Dec. 19, 2002, 116 Stat. 3079; Pub. L. 110-386, §3, Oct. 10, 2008, 122 Stat. 4107.)

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a) and (b), was in the original “this Act”, and was translated, to reflect the probable intent of Congress, as reading “this title”, meaning title III of Pub. L. 105-384, Nov. 13, 1998, 112 Stat. 3454, known as the Hydrographic Services Improvement Act of 1998, which is classified principally to this subchapter. For complete classification of title III to the Code, see Short Title of 1998 Amendment note set out under section 851 of this title and Tables.

Subchapter VI of chapter 10 of title 40, referred to in subsec. (b)(6), probably means title IX of the Federal Property and Administrative Services Act of 1949, act June 30, 1949, ch. 288, as added Pub. L. 92-582, Oct. 27, 1972, 86 Stat. 1278. Title IX of the Act, which was classified generally to subchapter VI (§541 et seq.) of chapter 10 of former Title 40, Public Buildings, Property, and Works, was repealed and reenacted by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as chapter 11 (§1101 et seq.) of Title 40, Public Buildings, Property, and Works. For disposition of sections of former Title 40 to revised Title 40, see Table preceding section 101 of Title 40. For complete classification of act June 30, 1949, to the Code, see Tables.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-386, §3(1), substituted “the Coast and Geodetic Survey Act, promote safe, effi-

¹ So in original. The word “and” probably should not appear.

² See References in Text note below.

cient and environmentally sound marine transportation, and otherwise fulfill the purposes of this subchapter,” for “the Act of 1947,” in introductory provisions.

Subsec. (a)(1). Pub. L. 110-386, §3(2), substituted “data and provide hydrographic services;” for “data;”.

Subsec. (b). Pub. L. 110-386, §3(3), added subsec. (b) and struck out former subsec. (b) which related to actions of Administrator to fulfill data gathering and dissemination duties of the Administration under the Act of 1947.

2002—Subsec. (b)(4). Pub. L. 107-372, §103(a), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “may design and install where appropriate Physical Oceanographic Real-Time Systems to enhance navigation safety and efficiency.”

Subsec. (c). Pub. L. 107-372, §103(b), added subsec. (c).

HYDROGRAPHIC SURVEY

Pub. L. 106-541, title V, §554, Dec. 11, 2000, 114 Stat. 2679, provided that: “The Secretary [of the Army] shall enter into an agreement with the Administrator of the National Oceanic and Atmospheric Administration—

“(1) to require the Secretary, not later than 60 days after the Corps of Engineers completes a project involving dredging of a channel, to provide data to the Administration in a standard digital format on the results of a hydrographic survey of the channel conducted by the Corps of Engineers; and

“(2) to require the Administrator to provide the final charts with respect to the project to the Secretary in digital format, at no charge, for the purpose of enhancing the mission of the Corps of Engineers of maintaining Federal navigation projects.”

§ 892b. Quality assurance program

(a) Definition

For purposes of this section, the term “hydrographic product” means any publicly or commercially available product produced by a non-Federal entity that includes or displays hydrographic data.

(b) Program

(1) In general

The Administrator—

(A) by not later than 2 years after December 19, 2002, shall, subject to the availability of appropriations, develop and implement a quality assurance program that is equally available to all applicants, under which the Administrator may certify hydrographic products that satisfy the standards promulgated by the Administrator under section 892a(a)(3) of this title;

(B) may authorize the use of the emblem or any trademark of the Administration on a hydrographic product certified under subparagraph (A); and

(C) may charge a fee for such certification and use.

(2) Limitation on fee amount

Any fee under paragraph (1)(C) shall not exceed the costs of conducting the quality assurance testing, evaluation, or studies necessary to determine whether the hydrographic product satisfies the standards adopted under section 892a(a)(3) of this title, including the cost of administering such a program.

(c) Limitation on liability

The Government of the United States shall not be liable for any negligence by a person that produces hydrographic products certified under this section.

(d) Hydrographic Services Account

(1) Establishment

There is established in the Treasury a separate account, which shall be known as the “Hydrographic Services Account”.

(2) Content

The account shall consist of—

(A) amounts received by the United States as fees charged under subsection (b)(1)(C) of this section; and

(B) such other amounts as may be provided by law.

(3) Use

Amounts in the account shall be available to the Administrator, without further appropriation, for hydrographic services.

(e) Limitation on new fees and increases in existing fees for hydrographic services

After November 13, 1998, the Administrator may not—

(1) establish any fee or other charge for the provision of any hydrographic service except as authorized by this section; or

(2) increase the amount of any fee or other charge for the provision of any hydrographic service except as authorized by this section and section 1307 of title 44.

(Pub. L. 105-384, title III, §304, Nov. 13, 1998, 112 Stat. 3455; Pub. L. 107-372, title I, §104(a), Dec. 19, 2002, 116 Stat. 3080.)

AMENDMENTS

2002—Subsec. (b)(1). Pub. L. 107-372 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “The Administrator may—

“(A) develop and implement a quality assurance program that is equally available to all applicants, under which the Administrator may certify hydrographic products that satisfy the standards promulgated by the Administrator under section 892a(a)(3) of this title;

“(B) authorize the use of the emblem or any trademark of the Administration on a hydrographic product certified under subparagraph (A); and

“(C) charge a fee for such certification and use.”

§ 892c. Hydrographic Services Review Panel

(a) Establishment

No later than 1 year after December 19, 2002, the Secretary shall establish the Hydrographic Services Review Panel.

(b) Duties

(1) In general

The panel shall advise the Administrator on matters related to the responsibilities and authorities set forth in section 892a of this title and such other appropriate matters as the Administrator refers to the panel for review and advice.

(2) Administrative resources

The Administrator shall make available to the panel such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties.

(c) Membership

(1) In general

(A) The panel shall consist of 15 voting members who shall be appointed by the Adminis-

trator. The Co-directors of the Center for Coastal and Ocean Mapping/Joint Hydrographic Center and no more than 2 employees of the National Oceanic and Atmospheric Administration appointed by the Administrator shall serve as nonvoting members of the panel. The voting members of the panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in 1 or more of the disciplines and fields relating to hydrographic data and hydrographic services, marine transportation, port administration, vessel pilotage, coastal and fishery management, and other disciplines as determined appropriate by the Administrator.

(B) An individual may not be appointed as a voting member of the panel if the individual is a full-time officer or employee of the United States.

(C) Any voting member of the panel who is an applicant for, or beneficiary (as determined by the Secretary) of, any assistance under this subchapter shall disclose to the panel that relationship, and may not vote on any matter pertaining to that assistance.

(2) Terms

(A) The term of office of a voting member of the panel shall be 4 years, except that of the original appointees, five shall be appointed for a term of 2 years, five shall be appointed for a term of 3 years, and five shall be appointed for a term of 4 years, as specified by the Administrator at the time of appointment.

(B) Any individual appointed to a partial or full term may be reappointed for one additional full term. A voting member may serve after the date of the expiration of the term of office for which appointed until his or her successor has taken office.

(3) Nominations

At least once each year, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the panel.

(4) Chairman and Vice Chairman

(A) The panel shall select one voting member to serve as the Chairman and another voting member to serve as the Vice Chairman.

(B) The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman.

(d) Compensation

Voting members of the panel shall—

(1) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5 when actually engaged in the performance of duties for such panel; and

(2) be reimbursed for actual and reasonable expenses incurred in the performance of such duties.

(e) Meetings

The panel shall meet on a biannual basis and, at any other time, at the call of the Chairman or upon the request of a majority of the voting members or of the Secretary.

(f) Powers

The panel may exercise such powers as are reasonably necessary in order to carry out its duties under subsection (b) of this section.

(Pub. L. 105-384, title III, §305, Nov. 13, 1998, 112 Stat. 3456; Pub. L. 105-383, title IV, §432(c), Nov. 13, 1998, 112 Stat. 3445; Pub. L. 107-372, title I, §105, Dec. 19, 2002, 116 Stat. 3080; Pub. L. 110-386, §4, Oct. 10, 2008, 122 Stat. 4107.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (c)(1)(C), was in the original “this Act”, and was translated, to reflect the probable intent of Congress, as reading “this title”, meaning title III of Pub. L. 105-384, Nov. 13, 1998, 112 Stat. 3454, known as the Hydrographic Services Improvement Act of 1998, which is classified principally to this subchapter. For complete classification of title III to the Code, see Short Title of 1998 Amendment note set out under section 851 of this title and Tables.

AMENDMENTS

2008—Subsec. (c)(1)(A). Pub. L. 110-386 amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “The panel shall consist of 15 voting members who shall be appointed by the Administrator. The Director of the Joint Hydrographic Institute and no more than 2 employees of the National Oceanic and Atmospheric Administration appointed by the Administrator shall serve as nonvoting members of the panel. The voting members of the panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more of the disciplines and fields relating to hydrographic surveying, tide, current geodetic and geospatial measurement, marine transportation, port administration, vessel pilotage, and coastal and fishery management.”

2002—Pub. L. 107-372 amended section generally, substituting provisions establishing Hydrographic Services Review Panel for provisions requiring report, not later than 6 months after November 13, 1998, on a plan to ensure maintenance of Federal competence and expertise in hydrographic surveying.

1998—Pub. L. 105-383, which directed the amendment of this section by striking out subsecs. (a) and (d), was executed by striking out subsec. (a), because no subsec. (d) has been enacted. Prior to amendment, subsec. (a) read as follows:

“(a) PORTS.—Not later than 6 months after November 13, 1998, the Administrator and the Commandant of the Coast Guard shall report to the Congress on—

“(1) the status of implementation of real-time tide and current data systems in United States ports;

“(2) existing safety and efficiency needs in United States ports that could be met by increased use of those systems; and

“(3) a plan for expanding those systems to meet those needs, including an estimate of the cost of implementing those systems in priority locations.”

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-383, title IV, §432(a), Nov. 13, 1998, 112 Stat. 3444, provided that: “Subsections (b) and (c) [amending this section and section 892d of this title] shall take effect immediately after the later of—

“(1) the enactment of the Hydrographic Services Improvement Act of 1998 [Pub. L. 105-384, title III, Nov. 13, 1998]; or

“(2) the enactment of this Act [Nov. 13, 1998].”

§ 892d. Authorization of appropriations

There are authorized to be appropriated to the Administrator the following:

(1) To carry out nautical mapping and charting functions under sections 892b and 892c of this title, except for conducting hydrographic surveys—

- (A) \$55,000,000 for fiscal year 2009;
- (B) \$56,000,000 for fiscal year 2010;
- (C) \$57,000,000 for fiscal year 2011; and
- (D) \$58,000,000 for fiscal year 2012.

(2) To contract for hydrographic surveys under section 892b(b)(1) of this title, including the leasing or time chartering of vessels—

- (A) \$32,130,000 for fiscal year 2009;
- (B) \$32,760,000 for fiscal year 2010;
- (C) \$33,390,000 for fiscal year 2011; and
- (D) \$34,020,000 for fiscal year 2012.

(3) To operate hydrographic survey vessels owned by the United States and operated by the Administration—

- (A) \$25,900,000 for fiscal year 2009;
- (B) \$26,400,000 for fiscal year 2010;
- (C) \$26,900,000 for fiscal year 2011; and
- (D) \$27,400,000 for fiscal year 2012.

(4) To carry out geodetic functions under this subchapter—

- (A) \$32,640,000 for fiscal year 2009;
- (B) \$33,280,000 for fiscal year 2010;
- (C) \$33,920,000 for fiscal year 2011; and
- (D) \$34,560,000 for fiscal year 2012.

(5) To carry out tide and current measurement functions under this subchapter—

- (A) \$27,000,000 for fiscal year 2009;
- (B) \$27,500,000 for fiscal year 2010;
- (C) \$28,000,000 for fiscal year 2011; and
- (D) \$28,500,000 for fiscal year 2012.

(6) To acquire a replacement hydrographic survey vessel capable of staying at sea continuously for at least 30 days \$75,000,000.

(Pub. L. 105-384, title III, §306, Nov. 13, 1998, 112 Stat. 3457; Pub. L. 105-383, title IV, §432(b), Nov. 13, 1998, 112 Stat. 3445; Pub. L. 107-372, title I, §106, Dec. 19, 2002, 116 Stat. 3081; Pub. L. 110-386, §5, Oct. 10, 2008, 122 Stat. 4108.)

REFERENCES IN TEXT

This subchapter, referred to in pars. (4) and (5), was in the original “this title”, meaning title III of Pub. L. 105-384, Nov. 13, 1998, 112 Stat. 3454, which is classified principally to this subchapter. For complete classification of this title to the Code, see Short Title of 1998 Amendment note set out under section 851 of this title and Tables.

AMENDMENTS

2008—Pub. L. 110-386 amended section generally. Prior to amendment, section authorized appropriations for fiscal years 2003 through 2007.

2002—Pub. L. 107-372 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “There is authorized to be appropriated to the Administrator the following:

“(1) To carry out nautical mapping and charting functions under the Act of 1947 and sections 892a and 892b of this title, except for conducting hydrographic surveys, \$33,000,000 for fiscal year 1999, \$34,000,000 for fiscal year 2000, and \$35,000,000 for fiscal year 2001.

“(2) To conduct hydrographic surveys under section 892a(a)(1) of this title, including the leasing of ships, \$33,000,000 for fiscal year 1999, \$35,000,000 for fiscal year 2000, and \$37,000,000 for fiscal year 2001. Of these amounts, no more than \$16,000,000 is authorized for any one fiscal year to operate hydrographic survey vessels owned and operated by the Administration.

“(3) To carry out geodetic functions under the Act of 1947, \$25,000,000 for fiscal year 1999, \$30,000,000 for fiscal year 2000, and \$30,000,000 for fiscal year 2001.

“(4) To carry out tide and current measurement functions under the Act of 1947, \$22,500,000 for each of

fiscal years 1999 through 2001. Of these amounts \$4,500,000 is authorized for each fiscal year to implement and operate a national quality control system for real-time tide and current and maintain the national tide network, and \$7,000,000 is authorized for each fiscal year to design and install real-time tide and current data measurement systems under section 892a(b)(4) of this title.”

1998—Pub. L. 105-383 amended section generally, substituting present provisions for substantially identical provisions.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-383 effective immediately after enactment of Pub. L. 105-384, Nov. 13, 1998, see section 432(a) of Pub. L. 105-383, set out as a note under section 892c of this title.

SUBCHAPTER V—RESEARCH, DEVELOPMENT, EDUCATION, AND INNOVATION

§ 893. Ocean and atmospheric research and development program

(a) In general

The Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Director of the National Science Foundation and the Administrator of the National Aeronautics and Space Administration, shall establish a coordinated program of ocean, coastal, Great Lakes, and atmospheric research and development, in collaboration with academic institutions and other nongovernmental entities, that shall focus on the development of advanced technologies and analytical methods that will promote United States leadership in ocean and atmospheric science and competitiveness in the applied uses of such knowledge.

(b) Oceanic and atmospheric research and development program

The Administrator shall implement programs and activities—

(1) to identify emerging and innovative research and development priorities to enhance United States competitiveness, support development of new economic opportunities based on NOAA research, observations, monitoring modeling, and predictions that sustain ecosystem services;

(2) to promote United States leadership in oceanic and atmospheric science and competitiveness in the applied uses of such knowledge, including for the development and expansion of economic opportunities; and

(3) to advance ocean, coastal, Great Lakes, and atmospheric research and development, including potentially transformational research, in collaboration with other relevant Federal agencies, academic institutions, the private sector, and nongovernmental programs, consistent with NOAA’s mission to understand, observe, and model the Earth’s atmosphere and biosphere, including the oceans, in an integrated manner.

(c) Report

No later than 12 months after January 4, 2011, the Administrator, in consultation with the National Science Foundation or other such agencies with mature transformational research portfolios, shall develop and submit a report to the Senate Committee on Commerce, Science,

and Transportation and the House of Representatives Committee on Science and Technology that describes NOAA's strategy for enhancing transformational research in its research and development portfolio to increase United States competitiveness in oceanic and atmospheric science and technology. The report shall—

- (1) define “transformational research”;
- (2) identify emerging and innovative areas of research and development where transformational research has the potential to make significant and revolutionary ⁻¹ advancements in both understanding and U.S. science leadership;
- (3) describe how transformational research priorities are identified and appropriately ⁻¹ balanced in the context of NOAA's broader research portfolio;
- (4) describe NOAA's plan for developing a competitive peer review and priority-setting ⁻¹ process, funding mechanisms, performance and evaluation measures, and transition-to-operation guidelines for transformational research; and
- (5) describe partnerships with other agencies involved in transformational research.

(Pub. L. 110-69, title IV, § 4001, Aug. 9, 2007, 121 Stat. 599; Pub. L. 111-358, title III, § 301, Jan. 4, 2011, 124 Stat. 3996.)

AMENDMENTS

2011—Pub. L. 111-358 designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) and (c).

CHANGE OF NAME

Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

§ 893a. NOAA ocean and atmospheric science education programs

(a) In general

The Administrator of the National Oceanic and Atmospheric Administration shall conduct, develop, support, promote, and coordinate formal and informal educational activities at all levels to enhance public awareness and understanding of ocean, coastal, Great Lakes, and atmospheric science and stewardship by the general public and other coastal stakeholders, including underrepresented groups in ocean and atmospheric science and policy careers. In conducting those activities, the Administrator shall build upon the educational programs and activities of agency,¹ with consideration given to the goal of promoting the participation of individuals from underrepresented groups in STEM fields and in promoting the acquisition and retention of highly qualified and motivated young scientists to complement and supplement workforce needs.

(b) Educational program goals

The education programs developed by NOAA shall, to the extent applicable—

(1) carry out and support research based programs and activities designed to increase student interest and participation in STEM;

(2) improve public literacy in STEM;

(3) employ proven strategies and methods for improving student learning and teaching in STEM;

(4) provide curriculum support materials and other resources that—

(A) are designed to be integrated with comprehensive STEM education;

(B) are aligned with national science education standards; and

(C) promote the adoption and implementation of high-quality education practices that build toward college and career-readiness; and

(5) create and support opportunities for enhanced and ongoing professional development for teachers using best practices that improves the STEM content and knowledge of the teachers, including through programs linking STEM teachers with STEM educators at the higher education level.

(c) NOAA science education plan

The Administrator, appropriate National Oceanic and Atmospheric Administration programs, ocean atmospheric science and education experts, and interested members of the public shall maintain a science education plan setting forth education goals and strategies for the Administration, as well as programmatic actions to carry out such goals and priorities over the next 20 years, and evaluate and update such plan every 5 years.

(d) Construction

Nothing in this section may be construed to affect the application of section 1232a of title 20 or sections 794 and 794d of title 29.

(e) STEM defined

In this section, the term “STEM” means the academic and professional disciplines of science, technology, engineering, and mathematics.

(Pub. L. 110-69, title IV, § 4002, Aug. 9, 2007, 121 Stat. 600; Pub. L. 111-358, title III, § 302, Jan. 4, 2011, 124 Stat. 3997.)

AMENDMENTS

2011—Subsec. (a). Pub. L. 111-358, § 302(1), substituted “agency, with consideration given to the goal of promoting the participation of individuals from underrepresented groups in STEM fields and in promoting the acquisition and retention of highly qualified and motivated young scientists to complement and supplement workforce needs.” for “the agency.”

Subsec. (b). Pub. L. 111-358, § 302(3), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 111-358, § 302(4), substituted “maintain” for “develop”.

Pub. L. 111-358, § 302(2), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 111-358, § 302(2), redesignated subsec. (c) as (d).

Subsec. (e). Pub. L. 111-358, § 302(5), added subsec. (e).

§ 893b. NOAA's contribution to innovation

(a) Participation in interagency activities

The National Oceanic and Atmospheric Administration shall be a full participant in any

¹ So in original.

¹ So in original. Probably should be “the agency.”

interagency effort to promote innovation and economic competitiveness through near-term and long-term basic scientific research and development and the promotion of science, technology, engineering, and mathematics education, consistent with the agency mission, including authorized activities.

(b) Historic foundation

In order to carry out the participation described in subsection (a), the Administrator of the National Oceanic and Atmospheric Administration shall build on the historic role of the National Oceanic and Atmospheric Administration in stimulating excellence in the advancement of ocean and atmospheric science and engineering disciplines and in providing opportunities and incentives for the pursuit of academic studies in science, technology, engineering, and mathematics.

(Pub. L. 110-69, title IV, §4003, Aug. 9, 2007, 121 Stat. 600.)

§ 893c. Workforce study

(a) In general

The Secretary of Commerce, in cooperation with the Secretary of Education, shall request the National Academy of Sciences to conduct a study on the scientific workforce in the areas of oceanic and atmospheric research and development. The study shall investigate—

(1) whether there is a shortage in the number of individuals with advanced degrees in oceanic and atmospheric sciences who have the ability to conduct high quality scientific research in physical and chemical oceanography, meteorology, and atmospheric modeling, and related fields, for government, non-profit, and private sector entities;

(2) what Federal programs are available to help facilitate the education of students hoping to pursue these degrees;

(3) barriers to transitioning highly qualified oceanic and atmospheric scientists into Federal civil service scientist career tracks;

(4) what institutions of higher education, the private sector, and the Congress could do to increase the number of individuals with such post baccalaureate degrees;

(5) the impact of an aging Federal scientist workforce on the ability of Federal agencies to conduct high quality scientific research; and

(6) what actions the Federal government can take to assist the transition of highly qualified scientists into Federal career scientist positions and ensure that the experiences of retiring Federal scientists are adequately documented and transferred prior to retirement from Federal service.

(b) Coordination

The Secretary of Commerce and the Secretary of Education shall consult with the heads of other Federal agencies and departments with oceanic and atmospheric expertise or authority in preparing the specifications for the study.

(c) Report

No later than 18 months after January 4, 2011, the Secretary of Commerce and the Secretary of Education shall transmit a joint report to each

committee of Congress with jurisdiction over the programs described in section 893a(b) of this title, as amended by section 302 of this Act, detailing the findings and recommendations of the study and setting forth a prioritized plan to implement the recommendations.

(d) Program and plan

The Administrator of the National Oceanic and Atmospheric Administration shall evaluate the National Academy of Sciences study and develop a workforce program and plan to institutionalize the Administration's Federal science career pathways and address aging workforce issues. The program and plan shall be developed in consultation with the Administration's cooperative institutes and other academic partners to identify and implement programs and mechanisms to ensure that—

(1) sufficient highly qualified scientists are able to transition into Federal career scientist positions in the Administration's laboratories and programs; and

(2) the technical and management experiences of senior employees are documented and transferred before leaving Federal service.

(Pub. L. 111-358, title III, §303, Jan. 4, 2011, 124 Stat. 3998.)

REFERENCES IN TEXT

Section 302 of this Act, referred to in subsec. (c), is section 302 of Pub. L. 111-358, which amended section 893a of this title.

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